PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIEMILLER:

H. R. 5757. A bill to provide specific measures in furtherance of the national policy of maximum employment, production, and purchasing power, as established in the Employment Act of 1946; to the Committee on Ways and Means.

By Mr. DOYLE:

H. R. 5758. A bill to provide for the return to the State of California of certain original documents and maps, known as the Spanish-Mexican Land Grant Papers, deposited in the National Archives; to the Committee on Post Office and Civil Service.

By Mr. HART:

H. R. 5759. A bill to establish a national housing objective and the policy to be followed in the attainment thereof, and for other purposes; to the Committee on Banking and Currency.

By Mr. HOLMES:

H. R. 5760. A bill to change the names of Ice Harbor Dam, Lower Monumental Dam, Little Goose Dam, and Lower Granite Dam on the Snake River to the Whitman lock and dam, Lewis lock and dam, Clark lock and dam, and the Spalding lock and dam, respectively, and for other purposes; to the Committee on Public Works.

By Mr. KENNEDY:

H. R. 5761. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on Post Office and Civil Service.

By Mr. KLEIN:

H. R. 5762. A bill to amend the Servicemen's Readjustment Act of 1944 to extend the period during which readjustment allowances may be paid; to the Committee on Veterans' Affairs.

By Mr. LANE:

H. R. 5763. A bill to provide specific measures in furtherance of the national policy established in the Employment Act of 1946; to the Committee on Ways and Means.

By Mr. POULSON:

H. R. 5764. A bill to authorize the granting to the city of Los Angeles, Calif., of rights-of-way on, over, under, through, and across certain public lands; to the Committee on Public Lands.

By Mr. PRIEST:

H. R. 5765. A bill to amend section 2 of the act of March 3, 1901 (31 Stat. 1449), to provide basic authority for the performance of certain functions and activities of the National Bureau of Standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RAMSAY:

H. R. 5766. A bill to protect the national economy from excessive importations of vitrified china pottery and glassware, and to aid domestic producers of such articles and the employees of such producers; to the Committee on Ways and Means.

By Mr. RANKIN:

H. R. 5767. A bill to provide certain additional rehabilitation assistance for certain seriously disabled veterans in order to remove an existing inequality; to the Committee on Veterans' Affairs.

By Mr. VINSON:

H. R. 5768. A bill to make certain revisions in titles I and III of the Officer Personnel Act of 1947, as amended; to the Committee on Armed Services.

By Mr. WADSWORTH:

H. R. 5769. A bill to amend an act regulating the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital, as amended; to the Committee on the District of Columbia.

By Mr. WALTER:

H. R. 5770. A bill to provide a statute of limitation with respect to the collection of certain judgments; to the Committee on the Judiciary.

By Mr. KEOGH:

H. R. 5771. A bill to amend title 28, United States Code, relating to resignation and retirement of judges; to the Committee on the Judiciary.

By Mrs. ROGERS of Massachusetts:

H. R. 5772. A bill to provide for the erection of a memorial to the enlisted men of the Medical Department of the Army who served in World War II; to the Committee on House Administration.

By Mr. BENTSEN:

H. R. 5773. A bill to authorize the carrying out of the provisions of article 7 of the treaty of February 3, 1944, between the United States and Mexico, regarding the joint development of hydroelectric power at Falcon Dam on the Rio Grande, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. DOUGLAS:

H. R. 5774. A bill to provide specific measures in furtherance of the national policy of maximum employment, production, and purchasing power, as established in the Employment Act of 1946; to the Committee on Ways and Means.

By Mr. MURRAY of Tennessee:

H. R. 5775. A bill to provide for improved financial control over the operations of the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCUDDER:

H. R. 5776. A bill to provide for the return to the State of California of certain original documents and maps, known as the Spanish-Mexican Land Grant Papers, deposited in the National Archives; to the Committee on Post Office and Civil Service.

By Mr. DEGRAFFENRIED:

H. J. Res. 323. Joint resolution to make January 30 a legal holiday in honor of Franklin Delano Roosevelt; to the Committee on the Judiciary.

By Mr. PETERSON:

H. J. Res. 324. Joint resolution to encourage and stimulate the exploration, development, and mining of the tin ore resources of the United States, and for other purposes; to the Committee on Public Lands.

By Mr. FULTON:

H. J. Res. 325. Joint resolution to restore the citizenship of persons who fought in the Near East, to give relief from prosecution for certain acts, and for other purposes; to the Committee on the Judiciary.

By Mr. SMATHERS:

H. J. Res. 326. Joint resolution to return the citizenship of persons who fought in the Near East, to give relief from prosecution for certain acts, and for other purposes; to the Committee on the Judiciary.

By Mr. BOGGS of Louisiana:

H. Con. Res. 107. Concurrent resolution inviting the democracies which sponsored North Atlantic Treaty to name delegates to a federal convention; to the Committee on Foreign Affairs.

By Mr. JUDD:

H. Con. Res. 108. Concurrent resolution inviting the countries which sponsored the North Atlantic Treaty to name delegates to a federal convention; to the Committee on Foreign Affairs.

By Mr. SMATHERS:

H. Con. Res. 109. Concurrent resolution inviting the democracies which sponsored North Atlantic Treaty to name delegates to a federal convention; to the Committee on Foreign Affairs.

By Mr. WADSWORTH:

H. Con. Res. 110. Concurrent resolution inviting the democracies which sponsored the North Atlantic Treaty to name delegates to a federal convention; to the Committee on Foreign Affairs.

By Mr. DAVIS of Tennessee:

H. Con. Res. 111. Concurrent resolution relative to the North Atlantic Treaty; to the Committee on Foreign Affairs.

By Mr. BUCHANAN:

H. Res. 297. Resolution authorizing the expenses of the investigation and study to be conducted by the Select Committee on Lobbying Activities; to the Committee on House Administration.

H. Res. 298. Resolution creating a Select Committee on Lobbying Activities; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alabama, memorializing the President and the Congress of the United States to dedicate January 30, the birthday of Franklin Delano Roosevelt, as a national holiday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMP:

H. R. 5777. A bill for the relief of Joe D. Dutton; to the Committee on the Judiciary.

By Mr. NIXON:

H. R. 5778. A bill for the relief of Leopold Kahn, Jr.; to the Committee on the Judiciary.

By Mr. NIXON:

H. R. 5779. A bill for the relief of Eduardo G. Pardo De Tavera; to the Committee on the Judiciary.

By Mr. NIXON:

H. R. 5780. A bill for the relief of Jose G. Pardo De Tavera; to the Committee on the Judiciary.

By Mr. SABATH:

H. R. 5781. A bill for the relief of Moy Hong Toy and Chan King Fung Toy; to the Committee on the Judiciary.

By Mr. WILSON of Texas:

H. R. 5782. A bill for the relief of Mrs. Vera Raupe; to the Committee on the Judiciary.

SENATE

WEDNESDAY, JULY 27, 1949

(Legislative day of Thursday, June 2, 1949)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. William Alfred Rock, Jr., D. D., Methodist minister, Denver, N. C., offered the following prayer:

Eternal and almighty God, as we bow our heads we are thankful that we can know Thy love and call Thee Father. We humbly beseech Thee to hear our prayer as we come and ask Thy care and Thy guidance. The task of the day is great and we feel the need of Thy presence and Thy power. Guide us in our thoughts and actions. May these always be motivated by Thy divine love. Should we ask of Thee and should it be Thy will to say "No," help us not to become bitter and discouraged, but help us to seek Thy will with greater determination.

O God, in a day when all Thy children are drawn so close together, help us to meet all as Thy children and our brothers, some to guide, some to help, but all to be loved.

These petitions we bring in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. MCKELLAR, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, July 26, 1949, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H. R. 3199) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. MCKELLAR. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hickenlooper	Morse
Anderson	Hill	Mundt
Baldwin	Hoey	Murray
Brewster	Holland	Myers
Bricker	Hunt	Neely
Bridges	Ives	O'Conor
Butler	Jenner	O'Mahoney
Byrd	Johnson, Colo.	Pepper
Cain	Johnson, Tex.	Robertson
Capehart	Johnston, S. C.	Russell
Chapman	Kefauver	Saltonstall
Connally	Kem	Schoeppel
Cordon	Kerr	Smith, Maine
Donnell	Kilgore	Sparkman
Douglas	Knowland	Stennis
Downey	Langer	Taft
Dulles	Lodge	Taylor
Ecton	Long	Thomas, Okla.
Ellender	Lucas	Thomas, Utah
Ferguson	McCarran	Thye
Flanders	McCarthy	Tobey
Frear	McClellan	Tydings
Fulbright	McGrath	Vandenberg
George	McKellar	Watkins
Gillette	McMahon	Wherry
Graham	Magnuson	Wiley
Green	Martin	Williams
Gurney	Maybank	Withers
Hayden	Miller	Young
Hendrickson	Millikin	

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

The Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Arizona [Mr. MCFARLAND] are absent on public business.

Mr. SALTONSTALL. I announce that the Senator from Kansas [Mr. REED] is absent by leave of the Senate.

The Senator from New Jersey [Mr. SMITH] is absent because of illness.

The Senator from Nevada [Mr. MALONE] is detained on official business.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. LUCAS. Mr. President, I ask unanimous consent that Members of the Senate may be permitted to introduce bills and joint resolutions, present petitions and memorials, and place routine matter in the RECORD, as though we were in the morning hour, and without debate.

The VICE PRESIDENT. Without objection, it is so ordered.

HYDROELECTRIC POWER AT FALCON DAM

The VICE PRESIDENT laid before the Senate a letter from the Secretary of State, transmitting a draft of proposed legislation to authorize the carrying out of the provisions of article 7 of the treaty of February 3, 1944, between the United States and Mexico, regarding the joint development of hydroelectric power at Falcon Dam on the Rio Grande, and for other purposes, which, with the accompanying paper, was referred to the Committee on Foreign Relations.

PETITIONS

Petitions were laid before the Senate, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the executive committee, Disabled American Veterans, Department of Alabama, Birmingham, Ala., relating to the pay and allowances of the uniformed services; to the Committee on Armed Services.

A resolution adopted by the West Palm Beach (Fla.) Townsend Club, No. 1, favoring the enactment of the so-called Townsend plan providing old-age assistance; to the Committee on Finance.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce:

S. 4. A bill authorizing the advanced training in aeronautics of technical personnel of the Civil Aeronautics Administration; without amendment (Rept. No. 792); and

S. 442. A bill to amend the Air Commerce Act of 1926 (44 Stat. 568), as amended, to provide for the application to civil air navigation of laws and regulations related to animal and plant quarantine, and for other purposes; without amendment (Rept. No. 793).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce:

Richard H. Britt and Robert D. Fuller of the United States Coast Guard Reserve to be lieutenants (junior grade) in the United States Coast Guard.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'CONOR:

S. 2333. A bill relating to the basis for computing the compensation of certain civilian employees in the navy yards; to the Committee on Armed Services.

By Mr. TYDINGS:

S. 2334. A bill to provide for the organization of the Army and the Department of the Army, and for other purposes; and

S. 2335. A bill to make certain revisions in titles I and III of the Officer Personnel Act of 1947, as amended; to the Committee on Armed Services.

By Mr. GILLETTE:

S. 2336. A bill to provide a Federal charter for the Federal Alcohol Corporation; to the Committee on Agriculture and Forestry.

(Mr. TAYLOR introduced Senate bill 2337, to provide substantially full compensation for loss of income from involuntary unemployment and from disability, and for other purposes, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. KEFAUVER:

S. 2338. A bill for the relief of J. M. Arthur; and

S. 2339. A bill for the relief of the Davis Grocery Co., of Oneida, Tenn.; to the Committee on the Judiciary.

By Mr. MAYBANK (by request):

S. 2340. A bill making certain changes in laws applicable to regulatory agencies of the Government; to the Committee on Banking and Currency.

(Mr. CONNALLY (for himself, Mr. THOMAS of Utah, Mr. TYDINGS, Mr. PEPPER, Mr. GREEN, Mr. MCMAHON, and Mr. LUCAS) introduced Senate bill 2341, to promote the foreign policy and provide for the defense and general welfare of the United States by furnishing military assistance to foreign nations, which was ordered to lie on the table, and appears under a separate heading.)

FULL SOCIAL SECURITY BILL OF 1949

Mr. TAYLOR. Mr. President, I introduce for appropriate reference a bill cited as the Full Social Security Act of 1949, and I ask unanimous consent that the bill, together with a brief statement I have prepared and a short summary prepared by Herbert J. Weber be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the bill, statement, and summary will be printed in the RECORD.

The bill (S. 2337) to provide substantially full compensation for loss of income from involuntary unemployment and from disability, and for other purposes, introduced by Mr. TAYLOR, was read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

SHORT TITLE, FINDINGS, AND DECLARATION OF POLICY

SEC. 1. (a) This act may be cited as the "Full Social Security Act of 1949."

(b) The greatest obstructions to the free flow of commerce are economic depression and social unrest. The principal cause of economic depression and social unrest is insecurity of income. Apprehension of diminishing demand for the products of labor instigates construction of industrial activity and consequent unemployment, which in turn reduces purchasing power and further curtails demand. So long as there is insecurity of income economic depression and social unrest are imminent.

(c) It is hereby declared to be the policy of the United States to eliminate the principal cause of economic depression and social unrest, thereby removing the greatest obstructions to the free flow of commerce, by providing security of income through the establishment of substantially full compensation for loss of income from involuntary unemployment and from disability.

TITLE I—UNEMPLOYMENT COMPENSATION

SEC. 101. Thirty days after the effective date of this act, and each week thereafter so long as he continues to be involuntarily unemployed—

(a) Every reserve worker under the age of 60 years shall be entitled to receive and the

Treasury of the United States is hereby authorized and directed to pay to such worker unemployment compensation in an amount equal to 85 percent of his previous weekly earnings.

(b) Every reserve worker 60 years of age or over shall be entitled to receive and the Treasury of the United States is hereby authorized and directed to pay to such worker unemployment compensation in an amount equal to (1) 40 percent of his previous weekly earnings if he has no dependent spouse; (2) 60 percent of his previous weekly earnings if he has a dependent spouse; and (3) an additional 10 percent of his previous weekly earnings for each child under the age of 21 years: *Provided*, That in no event shall he be entitled to receive more than 70 percent of his previous weekly earnings.

SEC. 102. Every unemployed person aged 21 years or over and otherwise qualified as provided in title V, section 501, subsection (b) of this act shall become a reserve worker entitled to receive the unemployment compensation provided for in section 101 hereof by registering with the United States Employment Service, hereinafter called the Employment service, and shall continue to be a reserve worker so long as he continues to be so qualified and complies with all of the rules and regulations issued by the Employment Service which promote the purposes of and are in conformity with this act.

SEC. 103. The Employment Service is hereby authorized and directed forthwith to register every unemployed person who applies for such registration and proves to its satisfaction that he is involuntarily unemployed, who agrees to accept suitable employment at fair remuneration offered to him by the Employment Service and to notify the Employment Service in writing immediately upon his acceptance of employment, and who otherwise complies with all rules and regulations issued by the Employment Service which promote the purposes of and are in conformity with this act. Such registration shall be applied for personally by said unemployed persons except under conditions under which the Employment Service shall provide by regulation for registration by proxy, attorney, or executor.

SEC. 104. In effecting said registration of unemployed persons the Employment Service is hereby authorized and directed to require of each applicant for registration a statement under oath setting forth (a) his name, address, and age; (b) his previous weekly earnings; (c) his trade, occupation, or profession; (d) that he is involuntarily unemployed; and (e) such other information as said Employment Service shall require to perform its functions under this act.

SEC. 105. (a) Every person claiming to be a reserve worker because of disability or illness shall, in addition to registering with the Employment Service, apply for registration with the United States Public Health Service, hereinafter called the Health Service. The Health Service is hereby authorized and directed to register every such person applying to it who proves to its satisfaction that during the period claimed to be a period of involuntary unemployment either that he is unable to work or that abstention from work is essential to the maintenance of his earning capacity, and who otherwise complies with all rules and regulations issued by the Health Service which promote the purposes of and are in conformity with this act: *Provided*, That the certificate of any doctor of medicine duly licensed to practice in the State or Territory or Federal district or possession of the United States in which a disabled or sick person resides, or of any qualified official of the United States or any State or Territorial government or the government of any Federal district or possession of the United States, shall constitute prima facie proof of such disability or illness. Such application for registration shall be made by mail by a physician or other qualified person on behalf of the person claiming to be a reserve worker except as the Health Service shall provide by regulation for such applications by other procedures.

(b) The Health Service is hereby authorized and directed forthwith to certify to the Employment Service the degree of disability or illness of every person whom it registers as disabled or ill, and the Employment Service shall accept certification as conclusive proof of disability or illness and prima facie proof of unemployment because of disability or illness.

SEC. 106. In effecting registration of persons claiming to be reserve workers because of disability or illness, the Health Service is hereby authorized and directed to make such examinations as it may deem advisable and is authorized to require of each applicant for registration a statement under oath setting forth such information as the Health Service shall require to perform its functions under this title.

SEC. 107. Immediately after completing the registration of any reserve worker, the Employment Service shall certify to the Treasury (1) that such a person is a reserve worker; (2) his previous weekly earnings; and (3) the amount of unemployment compensation to be paid to him under the provisions of this title.

TITLE II—COMPENSATION FOR PARTIAL DISABILITY

SEC. 201. Thirty days after the effective date of this act, and each week thereafter so long as he continues to be partially disabled, every certified partially disabled worker, including reserve workers, shall be entitled to receive and the Treasury of the United States is hereby authorized and directed to pay to such a person disability compensation in an amount equal to his loss of earnings due to partial disability: *Provided*, That if said person is also a reserve worker, said disability compensation shall be paid in addition to and shall not in any manner diminish the unemployment compensation to which said reserve worker is entitled under the provisions of title I of this act.

SEC. 202. Every partially disabled worker shall become a certified partially disabled worker entitled to receive the disability compensation provided for in section 201 hereof when he has been registered by the Health Service and has been certified to be a partially disabled worker by the Health Service to the United States Treasury, and shall continue to be a certified partially disabled worker so long as he remains a partially disabled worker and complies with all of the rules and regulations issued by the Health Service which promote the purposes of and are in conformity with this act.

SEC. 203. The Health Service is hereby authorized and directed forthwith to register every partially disabled worker who applies for such registration and proves to the satisfaction of said Health Service that he is a partially disabled worker, who agrees in writing to notify said Health Service in writing of any change in the degree of his disability, and who otherwise complies with all rules and regulations issued by the Health Service which promote the purposes of and are in conformity of this act: *Provided*, That the certificate of any doctor of medicine duly licensed to practice in the State, Territory, Federal district, or possession of the United States in which said partially disabled person resides, or of any qualified official or employee of the United States or of the government of any State, Territory, Federal district, or possession of the United States, shall constitute prima facie proof of partial disability and the degree thereof.

SEC. 204. In effecting said registration of partially disabled workers, the Health Service is hereby authorized and directed to make such examinations as it may deem advisable and to require of each applicant for registration a statement under oath setting forth such information as the Health Service shall require to perform its functions under this title. Such registration shall be applied for personally except under conditions under which the Health Service shall provide by regulation for registration by proxy, attorney, or executor.

SEC. 205. Immediately after completing the registration of any partially disabled worker the Health Service shall certify to the Treasury (1) that such worker is partially disabled; (2) the degree of his disability; and (3) the amount of disability compensation to be paid to him under the provisions of this title.

TITLE III—UNITED STATES EMPLOYMENT SERVICE

SEC. 301. Section 3 of the act of June 6, 1933, as amended (48 Stat. 114), is amended, as follows:

1. In the first line of the first subparagraph, after the word "bureau" insert "–1.".

2. After the subparagraph (a)–1. add the following new subparagraphs:

"–2. To render full, adequate, impartial, and prompt employment placement service to every person and to every prospective employer who complies with all laws affecting labor relations or standards, to assist every reserve worker to find suitable employment as rapidly as possible, and to assist every partially disabled worker to find suitable employment in which the impairment of his earning capacity by his disability will be minimized: *Provided*, That in rendering placement service no preference shall be given in favor of reserve workers and against employed persons seeking new employment.

"–3. To undertake and carry out periodical national surveys to ascertain the facts with respect to employment and unemployment and report the same to the Congress; to plan, encourage, and operate training programs designed to enable reserve workers to acquire new skills to qualify for new types of work required by technological and economic developments; and to accomplish measures designed to facilitate orderly and economic transfer of reserve workers from one geographical area to another as the general welfare may require."

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. Any determination by the Employment Service or the Health Service under any provision of this act may be appealed to the United States Circuit Court of Appeals of the judicial circuit having jurisdiction at the place where the act occurred which was the subject of the determination appealed. Reasonable findings of fact by the Employment Service or Health Service shall be accepted as conclusive by such court of appeals.

SEC. 402. The Secretary of Commerce is hereby authorized and directed to determine and to publish monthly an index of consumer prices which shall be a weighted average of the Department of Labor index of urban consumer prices and the Department of agriculture index of price of goods bought by farmers for use in living. The weights used in said weighted average shall be proportional to the respective populations represented.

SEC. 403. This act shall take effect 60 days after the date of its enactment and shall be in effect in the continental United States and all Territories and possessions of the United States except Puerto Rico.

SEC. 404. There are hereby authorized to be appropriated such sums as may be determined by the Congress to be necessary to carry out the provisions of this act.

SEC. 405. The act of August 10, 1939 (53 Stat. 1387), as amended, is amended as follows (so as to reduce by 80 percent the unemployment taxes thereunder and to repeal provision therein for disability compensation to persons aged 21 and over):

(a) Under title VI, section 608, delete the words "3 percent" and in lieu thereof insert the words "three-fifths of 1 percent";

(b) Under title VI, section 609, subsection (b), delete the words "2.7 percent" and in lieu thereof insert the words "fifty-four hundredths of 1 percent";

(c) Under title VI, section 611, paragraph (4), insert after the word "compensation" the words "to persons under age 21."

SEC. 406. Section 416 of the act of August 10, 1946 (60 Stat. 991), is hereby amended (so as to repeal provision therein for disability compensation to persons aged 25 and over) by inserting in subsection (a), after the word "individuals", the words "under age 21."

SEC. 407. Paragraphs 4 and 5 of section 205 in division II of the act of July 31, 1946 (60 Stat. 727) (providing for disability compensation) are hereby repealed.

SEC. 408. Section 2 of the act of June 25, 1938 (52 Stat. 1096), as amended, is hereby amended (so as to repeal provision therein for disability compensation to persons aged 21 and over) by inserting in subsection (a), after the words "Benefits shall be payable to any qualified employee," the words "under the age of 21 years."

SEC. 409. Sections 3 and 3b of the act of August 4, 1939 (53 Stat. 1202), as amended (providing for disability compensation), are hereby repealed.

SEC. 410. Section 5 of the act of May 22, 1920 (41 Stat. 616), as amended (providing for disability compensation), is hereby repealed.

SEC. 411. Section 4 of the act of June 29, 1936 (49 Stat. 2018), as amended (providing for disability compensation), is hereby repealed.

SEC. 412. Section 22 in subchapter B of chapter I of the Internal Revenue Code is hereby amended (so as to provide for the inclusion of unemployment compensation and disability compensation under this act in gross taxable income) by inserting in subsection (a), immediately before the period at the end of the first sentence, a semicolon followed by the words "and also unemployment compensation and disability compensation received under provisions of the full Social Security Act of 1949."

SEC. 413. All acts and parts of acts in conflict with any provision of this act and not specifically cited in sections 405 through 412 of this title, are hereby repealed insofar as such conflict exists.

TITLE V—DEFINITIONS

SEC. 501. When used in this act—

(a) The terms "workingman" and "workingwoman" shall mean a person who during 80 percent of the decade immediately preceding a period of involuntary unemployment (or, if said person is under age 35, during 80 percent of the period between said person's twenty-first birthday and the beginning of a period of involuntary unemployment) has been either employed, involuntarily unemployed, unemployed because of a labor dispute directly or indirectly involving himself, or devoting substantially full time to education.

(b) The term "reserve worker" shall mean an involuntarily unemployed workingman or workingwoman 21 years of age or over who applies or has applied for registration with the Employment Service as provided herein and who for 1 week or more during the 30 days prior to the date of such application had been involuntarily unemployed, either continuously or intermittently.

(c) The term "person" shall mean a natural person.

(d) The term "involuntarily unemployed" includes any person within the continental United States or any Territory or possession of the United States except Puerto Rico, aged 21 years or over, who is involuntarily without remunerative employment and who is not voluntarily unavailable for acceptance of an offer of suitable employment from the Employment Service during its usual hours of business. The term shall not include any person whose unemployment is due to a current labor dispute directly or indirectly involving himself or include any person whose unemployment is due to imprisonment for crime unless such imprisonment was on a charge later dismissed, nolle prossed, or otherwise abandoned or of which said person was acquitted. It shall not include any person who voluntarily fails to attend and satisfy the requirements of an occupational retraining course prescribed by the Employment Service in accordance with the provisions of title II of this act, or who fails to comply with the rules and regulations issued by the Employment Service which promote the purposes of and are in conformity with this act; nor any person who, within 120 days next preceding the date of his application for registration by the Employment Service, refused to accept suitable employment or voluntarily terminated suitable employment unless (1) at the time of said refusal or termination said person was under the age of 21 years; (2) said termination was a result of a labor dispute no longer in progress; or (3) said termination was for the bona fide purpose of engaging in self-employment or of devoting substantially full time to education. Any person who when involuntarily unemployed shall refuse to accept suitable employment shall thereupon immediately cease to be involuntarily unemployed.

(e) The term "suitable employment" shall mean employment in a trade, occupation, or profession not inconsistent with past training and experience for which fair remuneration is offered: *Provided*, That an offer of employment at an unreasonable distance from the legal residence of a reserve worker shall not constitute suitable employment. No employment shall be construed to be suitable employment which is illegal, or contrary to public policy, or inimical to the national defense, or contrary to bona fide religious convictions professed for more than 2 years by a reserve worker, or at any place of employment at which a labor dispute is in progress, or which in any respect violates any law affecting labor relations or standards, or with respect to which the working conditions are substandard or dangerous, as determined by the Employment Service, or which was avoidably offered by the Employment Service in disregard of a reserve worker's stated desires with respect to labor union affiliation or other working conditions.

(f) The term "fair remuneration" shall mean the prevailing wage scale or salary rate in any given locality for work for which a reserve worker is qualified by training, experience, physical condition, and quality of past performance: *Provided* That such wage scale or salary rate is not less than the minimum rate of wages fixed for workers other than apprentices by Federal or State law: *And provided further*, That the prima facie proof of fair remuneration for any reserve worker shall be that such remuneration is not less than one hundred-eighty-fifths of the unemployment compensation he is receiving plus or minus an amount proportional to fluctuations, since the date of reserve worker's registration with the Employment Service, in the index of consumer prices provided for in section 402 in title IV of this act.

(g) The term "previous weekly earnings" shall mean the average weekly earnings, less overtime compensation and unearned bonuses, received in money, goods, or services by a reserve worker during his last period of 260 days (continuous or intermittent) of suitable employment next preceding the date of his registration with the Employment Service: *Provided*, That if there were no such earnings or such earnings are not ascertainable the term shall mean the minimum rate of wages fixed for workers other than apprentices by Federal law.

(h) The term "voluntarily terminated," as applied to employment, includes (1) termination of employment by resignation or other voluntary act of a person who thereby becomes unemployed; (2) unemployment resulting from willful refusal or grossly negligent failure to abide by reasonable safety, efficiency, or disciplinary rules generally enforced, or made necessary by special conditions, in the trade, occupation, or profession involved; and (3) unemployment resulting from willful and unreasonable underutilization of ability to perform the usual duties of the trade, occupation, or profession involved.

(i) The term "refuse to accept," as applied to employment, includes (1) actual refusal to accept suitable employment and (2) refusal or failure to make reasonable effort to obtain suitable employment pursuant to notification by the Employment Service.

(j) The term "degree of disability" shall mean the degree of impairment in earning capacity equal to that set forth in the schedules of ratings of reductions in earning capacity from injuries or combinations of injuries by the Veterans' Administration at the date of enactment of this act.

(k) The term "loss of earnings due to partial disability" shall mean the difference between (1) the amount of earnings or one hundred-eighty-fifths of the amount of unemployment compensation actually obtained by a certified partially disabled worker while partially disabled and (2) 90 percent of the amount which in the opinion of the Health Service would constitute fair remuneration for suitable employment for such worker if he were not partially disabled.

(l) The term "partially disabled worker" shall mean a workingman or workingwoman aged 21 years or over whose earning capacity is impaired for 1 week or longer by physical or mental illness, physical congenital defect, or injury whose degree of disability is greater than 10 percent; who is employed at the date of his application to the Health Service for registration as a partially disabled worker; and who after such registration is either employed or a reserve worker.

(m) The term "dependent spouse" shall mean a lawful spouse or a divorced spouse awarded alimony, whose income from employment, unemployment compensation, and disability compensation is less than that of the other spouse or the other divorced spouse.

(n) The term "child under the age of 21 years" shall mean a child by blood or adoption or a stepchild under the age of 21 years.

(o) The term "voluntary unavailability for acceptance of an offer of suitable employment" includes voluntary failure to respond to an offer of suitable employment from the Employment Service and voluntary failure to perform such acts as may be reasonably necessary to enable a reserve worker to accept an offer of suitable employment.

(p) The term "employed" shall mean employment for compensation, including periods for which compensation is received but in which no specific work is performed for such compensation, or self-employment.

TITLE VI—SEPARABILITY

SEC. 601. If any provision of this act, or the application of such provision to any

person or circumstance, shall be held invalid the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

The statement and summary are as follows:

STATEMENT BY SENATOR TAYLOR

FULL SOCIAL SECURITY ACT OF 1949

I have today introduced a bill setting up a comprehensive system of unemployment and disability benefits and I'd like to make a brief explanation of what the program would do, and why it is needed.

Unemployment, with its resultant loss of income, is one of the greatest threats to our economic system. The prospect of disability or loss of jobs is a constant menace to all workers. It is impossible for them now to have a sense of security. They are confronted continually by the realization that in case of unemployment all that can be expected is a temporary pittance insufficient to meet even minimum needs. If a slump comes, those that lose their jobs will receive a few small payments, after which they must attempt to exist with absolutely no money coming in. This is one of the imperfections of our democracy that must be corrected to provide security for all workers.

Equally important is the disastrous effect such unemployment has on the entire economy. This loss of purchasing power, coming at a time when buying is already dropping off, could be responsible for turning a temporary slump into a serious depression. Another depression would be catastrophic not only to ourselves, but to the entire world, and we must take every possible step to avert it. Enactment of this legislation would mean a stable purchasing power, providing a guaranteed market for industrial and farm products. The knowledge that demand will not drop off would result in continued high production and high employment, maintaining a prosperous economy. Unemployment would consequently remain at a low level, so that the costs of this unemployment compensation program would not be large.

The provisions of the bill can be stated quite briefly and simply. Every person willing to work but unable to secure employment because of disability or lack of job openings is paid 85 percent of his previous weekly earnings until he secures employment. If he is partially disabled and can be employed only at a lower rate because of the disability, payment is made for the earnings loss suffered because of his disability. Complete safeguards are provided in the bill to insure against abuse of the program by workers who refuse suitable employment.

Here is the way the program will work. First any person who loses his job can draw compensation amounting to 85 percent of his previous weekly earnings by complying with a few necessary requirements. He must register with the Employment Service and agree to accept any suitable employment offered by the Service or an employer. The term "suitable employment" means a job that he is qualified to hold and which will pay the prevailing wage for that vicinity. He is not forced to accept a job that involves strikebreaking, dangerous working conditions, or similar unreasonable requirements, but must accept any position approved by the Service as suitable for him. If he voluntarily quits such a suitable job without valid reasons, he is ineligible for compensation for a period of 4 months. These provisions are designed to prevent abuse of the system by those who have no desire to work, and at the same time give full protection to the unemployed who are out of work through no fault of their own.

Special provision is made for our elder citizens who have reached the age of 60. They will not be required to continue in the labor market and will receive retirement benefits ranging from 40 to 70 percent of previous average earnings, according to the number of their dependents. For example, a man 60 years of age with a dependent wife could receive 60 percent of his previous earnings, allowing them to retire in comfort and live decently for the rest of their days.

Thus, full protection is provided for our working population, regardless of injury, unemployment, sickness, or old age. If a worker loses his job, he will continue to receive 85 percent of his normal income, sufficient to take care of his needs until a job is secured. He must accept any reasonable job offer and cannot refuse to work or quit a job without valid reasons. If he becomes ill, or is injured so that he is physically unable to work, he will receive disability compensation amounting to 85 percent of his previous earnings. All that is needed to establish his disability is a doctor's certificate or examination by the United States Public Health Service. This compensation continues until he is able to work and a job is available for him.

If an employee is partially disabled, and cannot handle his previous work because of the disability, a new job that he is qualified to fill will be given him. Loss in earning power because of his partial disability will be made up by disability payments amounting to 90 percent of the difference in pay resulting from his injury.

Opponents of unemployment insurance have always concentrated on two points—the cost of the program and the possibility of men refusing to work. As I have already pointed out, the bill contains strict requirements that unemployed workers accept suitable jobs, and payments are not made to those who voluntarily quit such jobs or refuse to work. Detailed provisions contain guaranties against such abuses.

If a large portion of the population were unemployed or disabled, it is true that the cost would be high. However, with such a program in operation, there could not be much unemployment since the continuation of high purchasing power in the hands of all the people would guarantee a steady demand for both industrial and farm products. Assurance of ready markets would mean continuous high production and full employment, making for a permanently prosperous economy with minimum unemployment.

The bill is the result of years of work, research and study by a prominent Washington, D. C., economist, Herbert J. Weber. It is an important part of a complete economic program that Mr. Weber has developed.

FULL SOCIAL SECURITY

(Summary by Herbert J. Weber)

This paper sets up a proposal for the establishment of full social security—compensation for involuntary unemployment at the rate of 85 percent of previous earnings, unlimited in duration and amount, accompanied by equivalent disability, retirement, and survivorship annuities. It further suggests the establishment of bipartisan industry boards employing engineers with the function of continuously seeking advances in efficiency coupled with equivalent advances in wages and working conditions.

Full social security eliminates the pall of individual economic insecurity. It spreads among the whole people the cost of individual losses of income from vicissitudes. It takes from everyone the continuous present fear of future economic want.

In addition to its basic effect upon individual want in bad times and individual peace of mind in good times, full social security has basic economic effects. It facilitates continuously increasing production and prevents unemployment due to deficient purchasing power or to fear of it.

Realization of world cooperation for collective security can reasonably be expected if with full social security we make it evident to all nations that unemployment and want will never drive us to militarism for reemployment and recoupment.

Dispossessing nobody, full social security is the means to active basic objectives of labor, farmers, and businessmen alike. A means to active basic objectives of labor, farmers, and businessmen is within the limits of political practicability.

FULL UNEMPLOYMENT COMPENSATION PREVENTS UNEMPLOYMENT DUE TO DEFICIENT PURCHASING POWER OR FEAR OF IT

There must be cumulative unemployment whenever producers, knowing that lay-offs are occurring, dare not produce freely for fear that their customers will lack funds for purchasing their products. The possibility of public enterprises to give reemployment is not enough to allay this fear. With full compensation for involuntary unemployment, however, lay-offs do not substantially diminish the purchasing power of the workers laid off. If lay-offs do not substantially diminish the purchasing power of the workers laid off, there is nothing about lay-offs occurring in one industry to cause producers in other industries to curtail their production. Unemployment cannot cumulate when full compensation for involuntary unemployment is available just as bank failures cannot cumulate when adequate bank-deposit insurance is available.

Full compensation for involuntary unemployment assures the farmer as the manufacturer of the Nation's substantially full continuous purchasing power for his products.

The social-security fund would invest in bonds when its revenue was exceeding its compensation payments and would have to sell its bonds to raise money when its compensation payments were exceeding its revenue. Purchase of these bonds by the public would draw in any savings that were idle because of scarcity of safe investments. The savings so drawn in by the social-security fund would immediately become purchasing power in the hands of unemployment-compensation recipients. The Nation's savings would thus be kept invested to the extent needed to maintain its substantially full continuous purchasing power. Idle savings could not remain idle.

FULL UNEMPLOYMENT COMPENSATION FUNDS CAN SIMULTANEOUSLY BE FULL EMPLOYMENT FUNDS

Social-security funds would be available for financing public enterprises to the extent of such unemployment compensation as was otherwise anticipated. Appropriation and financing of a small percentage more would maintain virtually full employment.

THERE CAN BE NO MATERIAL PROBLEM IN ADMINISTERING FULL UNEMPLOYMENT COMPENSATION

Full unemployment compensation involves registration for work and acceptance of suitable work. With full unemployment compensation entailing nearly full employment, there can be no material administrative problem. No one could sham involuntary unemployment when he was receiving one job opportunity after another and would have to develop a new sham every other day—183 times in a year.

TAXES FOR FULL SOCIAL SECURITY ADD NOTHING TO THE BURDEN OF TAXES

Eliminating individual economic insecurity, full social security—full unemployment compensation accompanied by equivalent disability, retirement, and survivorship annuities—makes individual savings against vicissitudes unnecessary. Taxes for full

social security are a substitute for such savings, not an added tax burden.

FULL UNEMPLOYMENT COMPENSATION FACILITATES CONTINUOUSLY INCREASING PRODUCTION

The basic economic objective that we all want to see attained is continuously increasing production of goods and services. To attain this objective we must continuously advance the efficiency of our productive technology and organization. We cannot get continuously advancing efficiency as long as increased efficiency keeps workers hostile to it by carrying the threat of incomeless unemployment.

To eliminate hostility of workers to increased efficiency we must eliminate the threat to the worker's income from increased efficiency. To accomplish this we must adopt the principle that the involuntarily unemployed worker is a worker held in reserve, entitled to approximately his full previous earnings for the full duration of his availability for active duty. With the threat from increased efficiency thus eliminated, we attain a national incentive economy under which effective efforts can be concentrated upon increasing efficiency continuously.

COORDINATED ADVANCES IN PRODUCTION AND IN WAGES AND WORKING CONDITIONS

With full social security, incentive programs can operate to make increased efficiency directly profitable to both workers and businesses. One such program could be based upon bipartisan boards in industries giving continuing business and labor majority approval. A board (which would have nothing to do with bargaining between businesses and workers) would have the duty of working continuously with engineers to improve the efficiency of its industry. Government financing of necessary capital additions would be made available at rates based upon risk. After the businesses had had the savings from these improvements available for a year, the labor members of a board would have the right to order advances in wages or working conditions in the industry equal in cost to 80 percent of recurrent savings and 50 percent of temporary savings.

Under such an incentive program wages and working conditions can advance continuously, not out of profits or increased prices but out of increased efficiency.

With full social security, increased efficiency leads to increased production. If any business increases its efficiency without proportionately increasing its production, it lays off some workers and adds the amount of their wages to its profits and to the wages and working condition of its remaining workers while the workers laid off draw full unemployment compensation. The increased aggregate income is increased purchasing power, in response to which new production normally develops.

PARTIAL SOCIAL SECURITY IS NOT A PARTIAL SUBSTITUTE FOR FULL SOCIAL SECURITY

Partial social security has only slight economic effect. It lessens the effect of lay-offs on purchasing power but not on fear of impending deficient purchasing power. It does not end individual economic insecurity or hostility to increased efficiency.

MILITARY ASSISTANCE TO FOREIGN NATIONS

Mr. CONNALLY. Mr. President, on behalf of myself, the Senator from Utah [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], the Senator from Florida [Mr. PEPPER], the Senator from Rhode Island [Mr. GREEN], the Senator from Connecticut [Mr. MCMAHON], and the Senator from Illinois [Mr. LUCAS], I introduce a bill to provide military assistance to foreign nations. I request that the bill be appropriately referred.

The VICE PRESIDENT. The bill will be received and lie on the table momentarily, until the Chair looks into the matter.

The bill (S. 2341) to promote the foreign policy and provide for the defense and general welfare of the United States by furnishing military assistance to foreign nations, introduced by Mr. CONNALLY (for himself and other Senators), was read twice by its title, and ordered to lie on the table.

DEVELOPMENT OF HYDROELECTRIC POWER IN NEW ENGLAND STATES—AMENDMENT

Mr. BRIDGES submitted an amendment intended to be proposed by him to the bill (S. 253) to provide for a comprehensive survey to promote the development of hydroelectric power, flood control, and other improvements on the Merrimack and Connecticut Rivers and such other rivers in the New England States where improvements are feasible, which was referred to the Committee on Public Works and ordered to be printed.

AMENDMENT OF FAIR LABOR STANDARDS ACT—AMENDMENTS

Mr. GILLETTE submitted amendments intended to be proposed by him to the bill (S. 653) to provide for the amendment of the Fair Labor Standards Act of 1938, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT OF CERTAIN PROVISIONS OF INTERNAL REVENUE CODE—AMENDMENTS

Mr. MCCARRAN submitted two amendments intended to be proposed by him to the bill (H. R. 5268) to amend certain provisions of the Internal Revenue Code, which were referred to the Committee on Finance, and ordered to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT

Mr. MCMAHON submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 4177) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1950, and for other purposes, the following amendment, namely: On page 15, line 5, after the word "responsibility" insert the following: ": *Provided further*, That not to exceed $2,700,000 of the amount herein appropriated may be transferred to the Department of the Navy for the acquisition, construction, and installation, at a location to be determined, of facilities (including necessary land and rights pertaining thereto) to replace existing Navy facilities at Arco, Idaho, which latter facilities are hereby authorized to be transferred by the Secretary of the Navy to the Commission for its purposes."

Mr. MCMAHON also submitted an amendment intended to be proposed by him to House bill 4177, making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1950, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

HOUSE BILL REFERRED

The bill (H. R. 3199) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers, was read twice by its title, and referred to the Committee on Rules and Administration.

AMERICA AT THE CROSSROADS—ADDRESS BY COL. LOUIS JOHNSON

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD an address entitled "America at the Crossroads," delivered by then Col. Louis Johnson, on September 8, 1941, at the Thirty-second Annual Convention of the International Claim Association, Atlantic City, N. J., which appears in the Appendix.]

HOW BEST CAN WE PRESERVE WORLD PEACE?—ADDRESS BY JOHN RODMAN

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD the winning address submitted by John Rodman, of Memphis, Tenn., in the Veterans of Foreign Wars oratorical contest, which appears in the Appendix.]

AN EXPERIENCE IN WASHINGTON—ARTICLE BY WILLIAM HAWLEY

[Mr. WHERRY asked and obtained leave to have printed in the RECORD an article entitled "An Experience in Washington," by William Hawley, editor of the Baldwin (Wis.) Bulletin, which appears in the Appendix.]

THE MAN WHO PAYS

[Mr. MUNDT asked and obtained leave to have printed in the RECORD an editorial entitled "The Man Who Pays," published in the Omaha (Nebr.) World-Herald, and a quotation from a speech by Senator Benjamin Harvey Hill in the United States Senate on March 27, 1878, which appear in the Appendix.]

MINDING OUR OWN BUSINESS—EDITORIAL FROM PITTSBURGH PRESS

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an editorial entitled "Minding Our Own Business Still World's Best Plan," written by E. T. Leech, editor of the Pittsburgh Press, and published in the July 24, 1949, issue of that newspaper, which appears in the Appendix.]

CITATION FOR DEGREE OF DOCTOR OF LAWS CONFERRED UPON SENATOR MYERS AND HIS COMMENCEMENT ADDRESS AT LOYOLA UNIVERSITY

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD the citation for doctor of laws conferred upon Senator MYERS, and his commencement address at Loyola University, Baltimore, July 24, 1949, which appear in the Appendix.]

FINANCIAL AID TO BRITAIN—EDITORIAL FROM WALL STREET JOURNAL

[Mr. WILLIAMS asked and obtained leave to have printed in the RECORD an editorial entitled "Sympton, Not Cause," relating to Senator KEM'S proposal respecting aid to Britain, published in the Wall Street Journal of July 27, 1949, which appears in the Appendix.]

PHONY WAR SCARES—EDITORIAL FROM THE WASHINGTON DAILY NEWS

[Mr. JENNER asked and obtained leave to have printed in the RECORD an editorial entitled "Phony War Scares," from the Washington Daily News of July 27, 1949, which appears in the Appendix.]

HOOVER COMMISSION RECOMMENDATIONS—COMMENTS BY ATOMIC ENERGY COMMISSION

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point a statement which I have prepared and the comments of the Atomic Energy Commission respecting the Hoover Commission recommendations affecting that agency.

There being no objection, the statement and comments were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN L. M'CLELLAN, CHAIRMAN, SENATE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

Senator JOHN L. McCLELLAN, chairman of the Senate Committee on Expenditures in the Executive Departments, released today a letter from Mr. David E. Lilienthal, Chairman of the United States Atomic Energy Commission, received in response to a request from the committee for comments concerning the application of recommendations of the Hoover Commission affecting the AEC.

The Chairman of the Commission states that many of the recommendations in the report on general management "have more particular application to the regular executive departments than to a new and relatively specialized agency such as the Atomic Energy Commission," pointing out that there is no independent statutory authority which has been granted to any of the divisions within the AEC, and there are no interruptions in the line of authority from the Commission and general manager down through the agency. He further states that "we believe that the special nature of the responsibilities of the AEC make it proper that it continue to report directly to the President" due to specific functions delegated to it by the Congress through the President.

In approving the report on personnel management, the Chairman states that it holds "great possibilities for improving and strengthening a merit system in the executive branch, and for enhancing the effectiveness of the Civil Service Commission to this end," and informed the committee that "the AEC inaugurated a new personnel policy on January 9, 1949, which endorses, through application, the philosophy and basic recommendations of Report No. 2 by placing the responsibility for good personnel management primarily on operating officials."

The Commission is also in full agreement with recommendations of Report No. 3, to consolidate and coordinate the housekeeping functions of government, stating that, "certainly the Federal Property Administrative Services Act of 1949 embodies a very complete adoption of these proposals, and should eliminate particularly the former confusions and delays attendant on procurement and property disposal through divers agencies."

Expressing general agreement with procedural recommendations in the report on budgeting and accounting, the Commission specifically approves recommendations 1 and 2, relative to the establishment of a performance budget, and for an immediate and complete survey by the Congress of appropriation structures. In commenting on certain recommendations of the task force report on accounting, the Chairman indicates that the AEC has already placed in effect budget and accounting system practices similar to those recommended, and makes the following observations:

"Benefits which should be obtained from their adoption, however, have been seriously limited by the complicated appropriations structure under which the AEC at present operates. The AEC has, therefore, after consultation with the Bureau of the Budget and the General Accounting Office, recommended to the House and Senate Appropriations Committees in connection with its 1950 appropriation on a merger with that appropriation of all prior fiscal year appropriations to the Commission. This merger of appropriations would enable the Atomic Energy Commission to prepare its budgets and account to the Congress for its expenditures on a sound program and cost-accounting basis rather than in terms of annual appropriations. We are hopeful that this merger of funds, which has been recommended by the Senate Appropriations Committee, will be adopted by the Congress."

The AEC is opposed to recommendation No. 10 of this report, calling for an Accountant General in the Treasury Department, stating that "we see considerable benefit in continuing the present joint program of the General Accounting Office, the Treasury Department, and the Bureau of the Budget to examine and overhaul the Government's accounting practices. We believe that substantial results have been achieved thus far by this joint program."

With reference to the report on Federal-State relations, approval is expressed to the proposed creation of a continuing agency to study and furnish information and guidance on Federal-State relations (recommendation No. 5). In this connection, the Commission states that:

"Problems that arise in this area out of AEC operations include the question of payment in lieu of taxes to local governments, the problem of financial aid to local school facilities bearing the burden of enrollment of children of AEC project employees, and law enforcement on project sites. The Atomic Energy Commission could benefit greatly from a study of these problems on a Government-wide basis."

In regard to the report on Federal research activities, the AEC strongly advocates approval of the proposal that "the President be granted authority to coordinate research and to strengthen interdepartmental committee organization for this purpose, and that a National Science Foundation be established," commenting that "enactment of the former recommendation seems to us essential to the planning of a long-range, coordinated Federal research program" which the Chairman states "would rescue Government conducted or sponsored research from the position of stepchild, which it presently occupies in numerous agencies."

The full text of the letter from Mr. Lilienthal follows:

UNITED STATES ATOMIC ENERGY COMMISSION,
Washington, D. C., July 22, 1949.

Hon. JOHN L. McCLELLAN,
Chairman, Senate Committee on Expenditures in the Executive Departments,
Senate Office Building.

DEAR SENATOR McCLELLAN: This is in further reply to your letter of May 23, requesting the comments of the Atomic Energy Commission relative to the reports of the Commission on Organization of the Executive Branch of the Government, legislative proposals resulting therefrom, and their actual or prospective application to the Atomic Energy Commission.

The reports of the Hoover Commission which seem to cut across the whole executive branch and bear particularly on the administration of the Atomic Energy Commission are five:

Report No. 1—General management of the executive branch,

Report No. 2—Personnel management,

Report No. 3—Office of General Services (supply activities),

Report No. 7—Budgeting and accounting, and

Report No. 18—Federal-State relations and Federal research.

Initially, we would like to emphasize the importance of the following principles underlying the reports, particularly report No. 1: (1) a direct line of responsibility from the head of an agency down through the organization, and direct responsibility of the agency head to the President; (2) the necessity of providing the agency head with authority commensurate with his responsibility, including authority to delegate authority and establish, within broad limits, the most effective internal organization; (3) the necessity of freedom from unduly detailed and rigid statutes and regulations controlling administrative procedures; (4) the necessity of consolidating presently overlapping and duplicative functions of different agencies of the executive branch.

Turning, with this background comment, to the specific recommendations of report No. 1, we have found many of them to have more particular application to the regular executive departments than to a new and relatively specialized agency such as the Atomic Energy Commission. For example, there is no independent statutory authority which has been granted to any of the divisions within the AEC, and there are no interruptions in the line of authority from the Commission and General Manager down through the agency. The Atomic Energy Act establishes four divisions and specifies that these divisions shall exercise such of the Commission's powers as the Commission may determine. Additional divisions have been created by the Commission to meet its needs. Recently, a new Division of Reactor Development has been established to meet the requirements of a new program.

A major recommendation of the first report is that agencies be regrouped and consolidated, as nearly as possible by purpose and function, into about one-third the present number, in order to reduce the unworkable number of agencies which divide their responsibilities and report independently to the President. We believe that the special nature of the responsibilities of AEC make it proper that it continue to report directly to the President. Moreover, the Atomic Energy Act specifically sets forth certain functions of the President in relation to the Atomic Energy Commission. The members of the Commission and the General Manager are appointed by the President, by and with the advice and consent of the Senate, and the President designates one member as chairman of the Commission. The act provides that the President shall be the ultimate arbiter in the event that the Military Establishment concludes that any action—proposed action—or failure to act of the Commission, in matters relating to military applications is adverse to the responsibilities of the military. The President determines at least once a year the quantities of fissionable material to be produced by the Commission. The President's approval is required before the Commission determines material other than uranium and thorium to be "source material"; also, the President has specific authority with respect to the production of atomic bombs, atomic-bomb parts, or other military weapons utilizing fissionable materials, and with respect to the transfer of fissionable materials or weapons from the Commission to the armed forces. He may also authorize the armed forces to manufacture or acquire equipment and devices utilizing fissionable material or atomic energy as a military weapon. Other sections of the act provide for reports to the President, the transfer of property to the Commission by the President, and the exemption of the Commission by the President from certain provisions of law relating to contracts.

Serious duplications by the Atomic Energy Commission of the functions of other agencies appear to be unlikely, in view of the

unique functions of the AEC, and the exclusive authority of the Commission to carry out most of the purposes named in the Atomic Energy Act.

Although it is not entirely clear from the reports, we assume it is not the intention of the reports to reduce the present multi-headed commissions and agencies such as AEC to a single head. The present five-man Commission and General Manager, serving as the chief administrative and executive officer of AEC, appear to constitute an organization consistent with the objectives of report No. 1.

With regard to legislation, we note that S. 942 and H. R. 2613 provide a highly desirable clarification of responsibility and authority within the executive branch. While many of their provisions appear to be covered by the authority of the President under the Reorganization Act of 1949, these bills, if enacted, would provide a well-defined background for both reorganization and future administration of the executive branch. Our understanding is that the "staff assistants" who would be appointed by the agency head, as provided by section 203 (b) of S. 942 and H. R. 2613, would not include the principal executive officer of an agency, such as our General Manager, who is appointed by the President, by and with the advice and consent of the Senate. This conclusion is supported by the description of such assistants by function contained in section 205.

We believe that the recommendations and philosophy of Report No. 2 on Personnel Management hold great possibilities for improving and strengthening a merit system in the executive branch, and for enhancing the effectiveness of the Civil Service Commission to this end. The proposals of both the majority and minority views in the report seem to us workable, and would represent a marked improvement over the present general pattern of personnel administration. The AEC inaugurated a new personnel policy on January 9, 1949, which endorses, through application, the philosophy and basic recommendations of Report No. 2 by placing the responsibility for good personnel management primarily on operating officials.

We are in full agreement with the recommendations of Report No. 3 of the Commission on Organization to consolidate and coordinate the housekeeping functions of government. Certainly the Federal Property and Administrative Services Act of 1949 embodies a very complete adoption of these proposals, and should eliminate particularly the former confusions and delays attendant on procurement and property disposal through divers agencies.

The Atomic Energy Commission is in general agreement with the procedural recommendations in Report No. 7 on Budgeting and Accounting. Three of the recommendations in that report would make significant contributions to the solution of important problems in the fiscal area. They are recommendation No. 1, which calls for the establishment of a performance budget, recommendation No. 2, which calls for an immediate and complete survey by the Congress of the appropriation structures, and recommendation No. 12, which endorses certain recommendations of the task force report on accounting. The Atomic Energy Commission has already placed in effect in its budget and accounting system practices similar to those recommended.

Benefits which should be obtained from their adoption, however, have been seriously limited by the complicated appropriations structure under which the AEC at present operates. The AEC has, therefore, after consultation with the Bureau of the Budget and the General Accounting Office, recommended to the House and Senate Appropriations Committees in connection with its 1950 appropriation a merger with that appropriation of all prior fiscal year appropriations to the Commission. This merger of appropriations would enable the Atomic Energy Commission to prepare its budgets and account to the Congress for its expenditures on a sound program and cost-accounting basis rather than in terms of annual appropriations. We are hopeful that this merger of funds, which has been recommended by the Senate Appropriations Committee, will be adopted by the Congress.

In connection with recommendation number 10 of Report No. 7 calling for an Accountant General in the Treasury Department who would prescribe general accounting methods, we would like to express our satisfaction with the close and helpful cooperation we have received from the General Accounting Office. Moreover, we see considerable benefit in continuing the present joint program of the General Accounting Office, the Treasury Department, and the Bureau of the Budget to examine and overhaul the Government's accounting practices. We believe that substantial results have been achieved thus far by this joint program.

In connection with that part of Report No. 18 of the Commission on Organization dealing with Federal-State relations, we are in agreement with recommendation No. 5, calling for the creation of a continuing agency to study and furnish information and guidance on Federal-State relations. Problems that arise in this area out of AEC operations include the question of payment in lieu of taxes to local governments, the problem of financial aid to local school facilities bearing the burden of enrollment of children of AEC project employees, and law enforcement on project sites. The Atomic Energy Commission could benefit greatly from a study of these problems on a Government-wide basis.

Our final comment pertains to that part of Report No. 18 concerned with Federal research activities. In this field there is the possibility that work sponsored or financed by AEC might well duplicate similar work undertaken by other agencies. Consequently, we heartily concur in the recommendations of the research section of Report No. 18 that the President be granted authority to coordinate research and to strengthen interdepartmental committee organization for this purpose, and that a National Science Foundation be established. Enactment of the former recommendation seems to us essential to the planning of a long-range, coordinated Federal research program. The latter recommendation, the establishment of a National Science Foundation, would be a recognition of the importance of science to government, and would rescue Government-conducted or sponsored research from the position of stepchild, which it presently occupies in numerous agencies.

We will be glad to prepare any further information you may wish from us.

We have not been advised by the Bureau of the Budget as to its views on the reports of the Commission on Organization or related legislation.

Sincerely yours,

UNITED STATES ATOMIC ENERGY COMMISSION,
DAVID E. LILIENTHAL.

NOMINATION OF GEORGIA LUSK TO WAR CLAIMS COMMISSION

Mrs. SMITH of Maine. Mr. President, I want to commend the nomination of Mrs. Georgia Lusk by the President to be a member of the War Claims Commission. The President could have made no finer appointment. He could have made no appointment which would be truly a recognition of the excellent public service that women can and have given.

Georgia Lusk is a symbol of conscientious and capable service in the Federal Government. It was my privilege to serve with her in the House of Representatives and I know first-hand of her splendid character and of her outstanding ability as a Federal legislator. I am equally confident that she can match her legislative performance with as excellent service in the executive department.

The women of America can well be proud of Georgia Lusk. They can be sure that her service will reflect the greatest credit upon them and will increase public confidence in the ability of women to perform important public service.

FOREIGN AID APPROPRIATIONS

The Senate resumed consideration of the bill (H. R. 4830) making appropriations for foreign aid for the fiscal year ending June 30, 1950, and for other purposes.

The VICE PRESIDENT. The Secretary will state the next committee amendment.

The next amendment was, on page 3, line 3, after the numerals, to strike out the comma and the words "of which not to exceed $125,000 shall be available for expenditures of a confidential character (other than entertainment) under the direction of the Administrator or the Deputy Administrator, who shall make a certificate of the amount of each such expenditure which he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the amount therein specified."

The amendment was agreed to.

The next amendment was, on page 4, line 3, after the word "exchange", to strike out "$3,568,470,000" and insert "$3,628,380,000."

The amendment was agreed to.

The next amendment was, on page 4, line 4, after the words "of which", to insert "(1) the amount required to finance the procurement of surplus agricultural products (determined surplus by the Secretary of Agriculture) of the kinds and in the quantities set out in the Economic Cooperation Administration budget justification submitted to the Senate shall be available only for such financing, and (2)."

Mr. LUCAS. Mr. President, this is an amendment which was offered in executive session in the Committee on Appropriations, so I am informed. I am advised that there were no hearings on this amendment. I make the point of order against the amendment that it is legislation upon an appropriation bill. It is my understanding that notice was given on July 12 by the Senator from Arkansas [Mr. McCLELLAN] of a motion to suspend the rule. He thereby recognized the fact that it is legislation upon an appropriation bill.

The VICE PRESIDENT. Unless Senators wish to argue the point of order, the Chair is prepared to rule.

Mr. McCLELLAN. Mr. President, it is true that I filed the required notice under the rule, because I could not definitely know how the Chair might rule if the point of order were raised against this amendment. However, I invite the

attention of the Chair that this is an amendment to a legislative provision in the bill as the bill came over from the House.

Immediately following this language is the following language: "not to exceed $500,000." And the Senate committee has changed the amount to $200,000 "shall be available for expenditures of a confidential character."

Mr. President, this is a limitation. It is a restriction on the use of funds, and therefore it is just as much legislation as is the limitation or restriction which I would place upon the use of funds by this amendment. This is an amendment of a legislative provision, and I insist that the amendment is germane to the provision of the bill which it amends.

Mr. LUCAS. Mr. President, in reply, I may say I am not discussing the question of germaneness; I am discussing what seems to me to be very clear and plain. There can be no question about the language, which says:

(1) the amount required to finance the procurement of surplus agricultural products (determined surplus by the Secretary of Agriculture) of the kinds and in the quantities set out in the Economic Cooperation Administration budget justification submitted to the Senate shall be available only for such financing.

Clearly that is legislation upon an appropriation bill. The books are full of precedents to the effect that on an appropriation bill of this kind legislation cannot be added. I am certain that the point of order should be sustained.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. Would the point of order, if sustained at this point, send the bill back to committee?

The VICE PRESIDENT. It would not.

Mr. McCLELLAN. If the point of order is sustained, will a further point of order be in order against the whole bill?

The VICE PRESIDENT. Under the rule which was read yesterday, if any Senator makes a point of order against the whole bill on the ground that it contains legislative matter in violation of the rule, if the point of order is sustained the bill must go back to the committee. However, the point of order must be made against the entire bill, and not against any individual amendment.

Mr. McCLELLAN. That is the point I wished to have made clear. The whole bill is full of legislation; and if I may not have the opportunity to add further legislation, since it is more of a legislative bill than an appropriation bill, notwithstanding the amount in it——

Mr. CORDON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CORDON. I suggest that the language in question is in effect, if not in the usual terminology of a limitation, a limitation upon the expenditure of so much of the appropriated funds as may be measured by the amount of agricultural commodities indicated in the language, and nothing more.

Mr. McCLELLAN. Mr. President, that was my interpretation of the amendment. It is a limitation on an appropriation bill, and not legislation. But if the Chair holds that it is legislation, then I raise the question, first, of germaneness, because it is an amendment to a legislative provision of the bill, and I think if it is germane to that provision, it is properly in the bill.

The VICE PRESIDENT. Under the rule, ordinarily when a point of order is made against an amendment on the ground that it is not germane to the provisions of the bill, that question must be submitted to the Senate for decision. In this case the Senator who is sponsoring the amendment in opposition to the point of order is making the point that it is germane. While that presents the question in a little different form, the Chair feels that probably the proper interpretation of the spirit of the rule would require submission to the Senate of the question of germaneness.

On the question of whether or not the amendment is legislation, the Chair feels that under the precedents a limitation is in a sense a prohibition against the expenditure of certain parts of an appropriation. This amendment is a requirement that out of a general lump sum appropriation a certain amount shall be expended for definite purposes. Under the precedents that is legislation on an appropriation bill, because it changes existing law, the existing law being the ECA authority under which this appropriation is made. However, the question of germaneness must be submitted first, before the Chair passes on the other question. It may be unnecessary to pass on the other question, depending upon how the Senate decides the question of germaneness of this amendment. That question must be decided without debate.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. Assuming that the amendment is germane, in view of the ruling just made by the distinguished Vice President, that would not prevent the Chair from holding that it is still out of order because it is legislation upon an appropriation bill.

The VICE PRESIDENT. If it is germane to a legislative provision already in the bill, and the Senate should so decide, that would preclude any ruling on the question as to whether or not it is legislation.

The question now is, Is the amendment germane to the provisions of the bill to which it is attached? That question must be decided without debate.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays.

Mr. LUCAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Bridges	Chapman
Anderson	Butler	Connally
Baldwin	Byrd	Cordon
Brewster	Cain	Donnell
Bricker	Capehart	Douglas
Downey	Johnston, S. C.	Myers
Dulles	Kefauver	Neely
Ecton	Kem	O'Conor
Ellender	Kerr	O'Mahoney
Ferguson	Kilgore	Pepper
Flanders	Knowland	Robertson
Frear	Langer	Russell
Fulbright	Lodge	Saltonstall
George	Long	Schoeppel
Gillette	Lucas	Smith, Maine
Graham	McCarran	Sparkman
Green	McCarthy	Stennis
Gurney	McClellan	Taft
Hayden	McGrath	Thomas, Okla.
Hendrickson	McKellar	Thomas, Utah
Hickenlooper	McMahon	Thye
Hill	Magnuson	Tobey
Hoey	Martin	Tydings
Holland	Maybank	Vandenberg
Hunt	Miller	Watkins
Ives	Millikin	Wherry
Jenner	Morse	Wiley
Johnson, Colo.	Mundt	Williams
Johnson, Tex.	Murray	Young

The VICE PRESIDENT. A quorum is present.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. Am I correct in my understanding that insofar as the language contained in line 4 on page 4 of the bill is concerned, the question now before the Senate is whether that language is germane to the bill?

The VICE PRESIDENT. The question is whether it is germane to the provision of the bill to which it is added—not germane to the whole bill, but the part of the bill to which it is an amendment.

Mr. LUCAS. I understand that question is not debatable.

The VICE PRESIDENT. That is the rule.

Mr. LUCAS. Mr. President, I ask unanimous consent that it may be debated.

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. Does the request of the Senator from Illinois contemplate that the rule prohibiting debate on this matter shall be waived as to all Members of the Senate?

Mr. LUCAS. That is correct.

The VICE PRESIDENT. The Chair would so interpret the request.

Mr. RUSSELL. I wondered whether the Senator from Illinois requested unanimous consent that he debate it or that the whole rule be suspended.

The VICE PRESIDENT. The Chair understood that the request was that the question of germaneness be debated by the Senate.

Mr. RUSSELL. Then I have no objection.

Mr. McCLELLAN. Mr. President, reserving the right to object, I should like to submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Arkansas will state it.

Mr. McCLELLAN. If unanimous consent is granted for debate on this question, may the debate be had on the entire bill, or would the debate have to be restricted to this one issue?

The VICE PRESIDENT. The Chair would think that if the question of the germaneness of this one amendment is

to be submitted for debate, the debate would be limited to that one issue.

Mr. McCLELLAN. That is what I wished to determine.

Mr. President, I desire to submit another parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. Would a discussion or debate explaining the amendment and what it does be regarded as proper under the proposed unanimous-consent agreement, in order to determine the germaneness of the amendment?

The VICE PRESIDENT. Let the Chair state that when a parliamentary question is raised, which is to be passed on by the Chair, it is within the discretion of the Chair to decide whether he will listen to debate on the question; but the debate must be confined to the point of order on which the Chair is passing.

In this case the Senate has to pass on the question of germaneness, which is a parliamentary question on this particular amendment. If debate is to be had on the question of the germaneness of the amendment, which is a parliamentary question to be passed on by the Senate, rather than the Chair, the Chair would feel that the debate should be limited to that question.

The debate might involve discussion as to how it is related to the language of the bill to which it is added, how it is relevant or irrelevant, and so forth, as regards the question of germaneness.

Mr. LUCAS. Mr. President, I withdraw the unanimous-consent request for a moment, in order to submit another parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. I made a point of order against this language, on the ground that it was legislation on an appropriation bill. I cannot understand how another Senator can take me off my feet through an inquiry whether certain language is germane or not germane, and then have the Chair proceed to place the question of germaneness before the Senate, without first passing on the point of order which was made, by the Senator from Illinois and which seems to me to be the pending question before the Senate.

I should like to have the Chair's ruling on that situation, because to my mind this presents a most unusual and rather confused parliamentary problem.

The VICE PRESIDENT. The Chair will undertake to state that matter insofar as he can.

A while ago the Chair stated that under the rule as to the germaneness of an amendment, which requires that the question be submitted to the Senate, ordinarily the point of order is made that it is not germane. That, in the opinion of the Chair, might have been what the Senate had in mind when it adopted the rule. When that question is raised, it must be submitted to the Senate without debate. It has priority over other points of order, according to a decision of the Senate itself on a former occasion, where, under the same circumstances, a point of order was not made against the amendment on the ground it was not germane, but was made under the circumstances here, suggested by those who were supporting the amendment, that it was germane. On a yea-and-nay vote, the Chair was overruled by the Senate, the Senate itself holding that the question had to be submitted to the Senate, and that it had priority over other points of order.

The Chair based his ruling upon that one decision of the Senate, itself. The Chair does not feel that he can overrule that decision of the Senate itself on that point, although the Chair still is a little bit confused about how the sponsors of an amendment can make the point of order that it is germane, when nobody has made the point of order that it is not.

Mr. LUCAS. That is the point exactly, Mr. President, that I am trying to come to.

Mr. RUSSELL. Mr. President——

Mr. LUCAS. Just a moment.

Mr. RUSSELL. Mr. President, if the Senator from Illinois is going to debate this question without permitting anybody else to do so, I demand the regular order.

The VICE PRESIDENT. The Senator from Illinois submitted a further parliamentary inquiry to the Chair. The Chair is hearing the Senator, and the Chair will, on the point of order, hear all Senators who want to be heard.

Mr. RUSSELL. I thank the Chair.

Mr. LUCAS. I am sorry if I seem to have strayed a little from the point of order, but I was trying to hold to the text and to obtain from the Chair some information with respect to the precedents, in what seems to me to be a very unusual situation. I am not completely familiar with past decisions or precedents. Whatever the precedent has been, it seems to me that sooner or later it will be overturned.

I shall not take an appeal from the decision of the Chair at this time, but it is a very unusual situation for one who has made a point of order to be taken off his feet by someone who merely suggests that the amendment is germane, who does not even suggest to the Chair that the point of order of germaneness is raised, but merely participates in the colloquy, and the Chair immediately assumes germaneness to be an issue, and takes the Senator from Illinois from the floor.

Mr. President, I am going to withdraw my unanimous consent request. Let the Senate vote on whether the amendment is or is not germane, without debate.

The VICE PRESIDENT. The Chair would like to say in regard to this matter that it is an unusual situation, there can be no question about that. The Chair thinks the rule contemplated that a point of order would be made against an amendment on the ground of its not being germane, and that thereupon it would be submitted to the Senate. Unless the point of order is made against an amendment on the ground that it is not germane, it is not in question as to whether it is in order or not, and no amendment is questioned unless a point of order is made. No matter how much the rules of the Senate may be violated, if some Senator does not make a point of order, the Chair has no jurisdiction to pass upon the question at all. The Senate, however, passed on that matter on a former occasion, in 1943, and the Chair does not feel that he can arbitrarily overrule the decision of the Senate itself, whatever he may have thought of the decision at the time.

Mr. LUCAS. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. As I understood, the Chair stated a moment ago that, in the event the Senate holds the amendment to be germane, then the point of order on the question of its being legislation in an appropriation bill, cannot be considered.

The VICE PRESIDENT. The Chair will hear argument on that. Superficially that might seem to be so. If it is an amendment to a legislative provision in the House bill, and is germane to the legislative provision of the House bill, that would tend to cure the defect of being legislation on an appropriation bill, if separately presented.

Mr. LUCAS. I should want to argue that. But the net effect if that view is correct, is that the rule of germaneness by majority vote, regardless of what might happen, could nullify the rule respecting the two-thirds requirement in the case of legislation on an appropriation.

The VICE PRESIDENT. That might be.

Mr. WHERRY. Mr. President——

Mr. TAFT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. WHERRY. I should like to have a restatement by the Chair. The question I wanted to propound to the Chair was, in the event the issue of germaneness were determined favorably, the Senate holding the amendment to be germane, then a point of order against the amendment, as I understood the Chair, would not lie, because decision that it is germane would preclude the point of order raised by the Senator from Illinois as to its being legislation on an appropriation bill.

The VICE PRESIDENT. The Chair feels that undoubtedly on its merits as a single proposition this amendment is legislation on an appropriation bill. But if it is legislation added to a legislative provision of the House bill, to which it is germane, then the question of its being legislation on an appropriation bill is solved, if the Senate holds it to be germane.

Mr. WHERRY. So the vote on germaneness in reality would settle the issue of whether it is legislation on an appropriation bill; would it not?

The VICE PRESIDENT. The Chair thinks so. In other words, if this is a germane amendment to a legislative provision of the House bill, then the point of

order would not lie against it as legislation on the appropriation bill.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TAFT. I may suggest to the Chair that the provision of paragraph 4 of rule XVI applies only to amendments offered on the floor, and does not apply to amendments offered by the Committee on Appropriations. The Committee on Appropriations frequently puts into appropriation bills items which are not germane to the other provisions of the bill. It seems that paragraph 2 of rule XVI is intended to limit the Committee on Appropriations. In paragraph 2 there is no provision with respect to germaneness. I merely want to suggest to the Chair that the question of germaneness applies only to amendments offered on the floor of the Senate after the bill has been reported by the committee.

The VICE PRESIDENT. After consulting with the Parliamentarian the Chair is inclined to conclude as follows:

With respect to appropriation bills rule XVI provides:

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received, nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto—

The question is, What does the rule mean when it says, "No amendment shall be received"? Does it mean that no amendment shall be received on the floor of the Senate, or does it mean that no amendment shall be received by the Senate from the committee which has reported the amendments? The Chair is unable to escape the conclusion that, when the rule says "No amendment shall be received," it means no amendment shall be received by the Senate, and that that applies to committee amendments as well as to amendments offered from the floor. Therefore, the Chair thinks the point raised by the Senator from Ohio, while persuasive, is not well taken, under the precedents. The Chair, therefore, adheres to his original ruling.

Mr. McKELLAR. Vote.

Mr. RUSSELL. Mr. President, if the Chair will indulge me, I am not in the habit of arguing after the judge has ruled, but it appears to me that subsection 4 of rule XVI applies to all amendments, whether reported by the committee or offered from the floor. It derives from Jefferson's Manual.

The VICE PRESIDENT. It might be construed to mean that while no Senator can offer an amendment from the floor which is not germane or relevant, the committee itself could bring in such amendments and offer them ad infinitum. The Chair does not believe that is the meaning of the rule.

The question now is, Is the committee amendment under discussion germane? On this question the yeas and nays have been demanded.

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Let us see whether the Senate wants the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. SALTONSTALL. While I think the answer is clear, I should like to have a statement from the Chair. The question before the Senate now is the question of the germaneness of the amendment. If the amendment is later declared by a majority vote to be germane, then there will be debate on the merits of the amendment, and another vote on the amendment. Is that correct?

The VICE PRESIDENT. If the Senate votes that the amendment is not germane, of course it is out; there are no more points of order with reference to it. If the Senate votes that the amendment is germane, it is subject to debate, like any other amendment.

The question is, Is the amendment germane?

Mr. McCLELLAN. Mr. President, a "yea" vote will sustain the germaneness of the amendment; will it not?

The VICE PRESIDENT. An affirmative vote is in favor of the germaneness of the amendment. A negative vote is against the germaneness of the amendment.

The yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN (when his name was called). On this vote I have a pair with the senior Senator from Mississippi [Mr. EASTLAND]. If he were present and voting he would vote "yea." If I were at liberty to vote I would vote "nay." I withhold my vote.

The roll call was concluded.

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

The Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Arizona [Mr. McFARLAND] are absent on public business.

The Senator from Idaho [Mr. TAYLOR] and the Senator from Kentucky [Mr. WITHERS] are unavoidably detained.

Mr. SALTONSTALL. I announce that the Senator from Kansas [Mr. REED] is absent by leave of the Senate.

The Senator from New Jersey [Mr. SMITH] is absent because of illness. If present and voting, the Senator from New Jersey would vote "nay."

The Senator from Nevada [Mr. MALONE] is detained on official business.

The result was—yeas 54, nays 32, as follows:

YEAS—54

Aiken	Ecton	Johnston, S. C.
Baldwin	Ellender	Kem
Brewster	Ferguson	Kerr
Bricker	Frear	Langer
Bridges	Fulbright	McCarran
Butler	George	McCarthy
Byrd	Gillette	McClellan
Cain	Gurney	McKellar
Capehart	Hendrickson	Martin
Chapman	Hickenlooper	Maybank
Cordon	Hoey	Miller
Donnell	Jenner	Millikin
Downey	Johnson, Colo.	Mundt
Murray	Smith, Maine	Watkins
Robertson	Stennis	Wherry
Russell	Taft	Wiley
Saltonstall	Thomas, Okla.	Williams
Schoeppel	Thye	Young

NAYS—32

Anderson	Ives	Morse
Connally	Johnson, Tex.	Myers
Douglas	Kefauver	Neely
Dulles	Kilgore	O'Conor
Flanders	Knowland	O'Mahoney
Graham	Lodge	Pepper
Green	Long	Thomas, Utah
Hayden	Lucas	Tobey
Hill	McGrath	Tydings
Holland	McMahon	Vandenberg
Hunt	Magnuson	

NOT VOTING—10

Chavez	Malone	Taylor
Eastland	Reed	Withers
Humphrey	Smith, N. J.	
McFarland	Sparkman	

The VICE PRESIDENT. On this question the yeas are 54, the nays are 32, and the Senate holds that the amendment is germane. The question is on agreeing to the amendment.

Mr. LUCAS. Mr. President, I raise the same point of order that I raised before, notwithstanding the vote of the Senate that the amendment is germane. I would like to know what it is germane to.

Mr. President, the language of the amendment is "the amount required to finance the procurement of surplus agricultural products * * * of the kinds and in the quantities set out in the Economic Cooperation Administration budget justification submitted to the Senate shall be available only for such financing," and so forth. There is not a single line or syllable about surplus agriculture products in the House bill.

The Chair has held, as I understood him to rule a moment ago, that this particular provision must be germane to a legislative provision which has been incorporated in the bill by the House. Notwithstanding the fact that the Senate has voted the amendment to be germane I seriously contend that the particular amendment is not germane to anything that was in the House bill appearing before this amendment was written in by the committee.

Mr. DONNELL. Mr. President——

Mr. LUCAS. One moment.

The VICE PRESIDENT. Is the Senator from Illinois addressing a parliamentary inquiry to the Chair?

Mr. LUCAS. Yes.

The VICE PRESIDENT. The Chair did not hold that the amendment was germane. The Senate voted that it was, and the Senate will have to decide what it is germane to. It is not a question for the Chair.

Mr. LUCAS. Mr. President, notwithstanding what the Senate decided, I am still making the point of order that the language we are now discussing is legislation upon an appropriation bill, and notwithstanding the fact that the Senate has declared that it is germane to something in the bill—nobody knows what—it is still subject to the point of order, because there is an absolute distinction between the question of germaneness of an amendment and the question of its being legislation upon an appropriation bill. It is still my studied

opinion that the mere fact that the Senate has ruled that it is germane does not automatically decide that this language in the bill does not deviate from existing law or is not legislation upon an appropriation bill. I still make the point of order that it is legislation upon an appropriation bill.

Mr. President, if by this method a Senator can come before the Senate and submit a question of germaneness upon every phase of an appropriation bill, or any other measure that is before the Senate, it will be possible to bypass absolutely the two-thirds rule, under which it is necessary to have a vote of two-thirds to sustain an amendment which proposes legislation on an appropriation bill. All a Senator would have to do, if he had a majority with him, would be to suggest that an amendment was germane, and if he could get the majority to say that it was germane, then there would be nullified and abrogated the two-thirds rule, which has been in existence at least ever since the Senator from Illinois has been a Member of the Senate, and was the rule long before that.

Mr. President, a dangerous precedent is being set. I submit we might just as well forget about the two-thirds rule if my point of order is not sustained.

Mr. President, notwithstanding the fact that the Senate has voted that the amendment is germane, I submit that action of the Senate in no wise affects the question of legislation upon an appropriation bill. There could be in an appropriation bill many things which are germane, which would be in an entirely separate category when it comes to the question of legislation on an appropriation bill.

Mr. ROBERTSON. Mr. President, as one Member of the Senate who expressed the opinion that the amendment was germane, I wish to say that my decision on that issue was based upon my understanding that the House had sent to the Senate a bill authorizing the appropriation of a given number of dollars to buy various supplics for the cooperative countries who hold membership in OEEC. When the Committee on Appropriations took testimony on the bill, we asked the Administrator to indicate to us what those supplies would be, and he indicated that some of them, quite a substantial number of them, would be farm supplies, that others would be machinery, that some would be loans, and some would be services. Therefore, I felt that when the distinguished Senator from Arkansas offered an amendment directing the Administrator to purchase the amount of farm supplies contemplated in the House bill, which the Administrator had indicated to us in his tentative estimate he was inclined to purchase, it was germane to the program we were considering.

I do not care to argue the new point, that the amendment is legislation on an appropriation bill. I have been proceeding on the assumption that it conformed to the Ramseyer rule, under which we can put into an appropriation bill legislation which limits the expenditure of funds. Whether this limits the expenditure of funds I would not like to say, for one reason because the Administrator has informed us that his estimates of the needs of the farm products were in the first place tentative, subject to revision as further crop reports come from Europe and, secondly, that they were based upon an estimate of approximately $4,000,000,000, and we have cut the total appropriation by more than $400,000,000. Therefore he claims that it would be very necessary for him to revise his tentative estimates, and perhaps give a lower allocation to wheat, corn, and cotton.

I wish to say in all frankness, Mr. President, that when I first discussed this problem before the Senate I clearly indicated my opposition to the amendment. I think it is entirely undesirable. But that is aside from the point of whether or not it is germane, or whether or not it falls within the rule that it is legislation improperly upon an appropriation bill.

We are aware of the fact that the Secretary of Agriculture thinks this is a bad amendment, that it will hurt our farmers instead of helping them. We are aware of the fact that all three major farm organizations have very explicitly gone on record against the amendment. We are aware of the fact that it could be used as propaganda by Communists, that, instead of carrying out a cooperative program to rehabilitate our allies in western Europe, we are using this relief as a dumping process for surplus farm products, a claim which we have always denied. They claimed all along that we were not really aiming to help western Europe, that we were afraid of a depression, that we wanted to move surplus products abroad, and that this was the means we had adopted for moving them.

Mr. President, I simply wanted to explain that in voting this amendment to be germane, and I thought it was, I in no sense committed myself on its merits, because I am very much opposed to it, and I hope the Senate will not adopt it, when it comes to vote on it.

The VICE PRESIDENT. The question is on the point of order raised by the Senator from Illinois.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Will the Senator wait a moment until the Chair makes a statement. The question is on the point of order raised by the Senator from Illinois, and the Chair thought the Senator from Virginia [Mr. ROBERTSON] was arguing the point of order rather than the merits of the matter. If the Senator from Nebraska wishes to argue the point of order——

Mr. WHERRY. Has the Senator from Illinois made a point of order? I did not hear the Senator from Illinois make a point of order.

The VICE PRESIDENT. Yes; he did make a point of order.

Mr. WHERRY. When I indicated I wished to make a parliamentary inquiry, I wanted to ask whether the Senator from Illinois had made a point of order. I did not hear him make a point of order that the item was legislation on an appropriation bill. If he has made such a point of order I should like to speak on it for a moment.

The VICE PRESIDENT. The Chair is ready to rule on the point of order.

Mr. WHERRY. Is the point of order not debatable?

The VICE PRESIDENT. It is debatable if the Chair desires to hear arguments on the point of order, but the Chair is ready to rule on the point of order, and does not feel that it is necessary to hear any further arguments on that point.

Mr. WHERRY. The majority leader was given plenty of time to present his argument in favor of the point of order. Therefore it certainly seems that equal opportunity should be afforded other Senators to answer the points he has made.

The VICE PRESIDENT. If the Chair is prepared to overrule the point of order made by the majority leader, what is the use of arguing?

Mr. WHERRY. That is not the point I make, Mr. President. When one Senator is recognized by the Presiding Officer to make a point of order and to present arguments in favor of his point of order, I certainly feel that equal opportunity should be afforded Senators who are opposed to the point of order.

The VICE PRESIDENT. The rule provides that it is in the discretion of the Chair to hear arguments on a point of order. The Senator from Nebraska is familiar with that rule.

Mr. WHERRY. Yes.

The VICE PRESIDENT. The Chair is ready to rule, and since the Chair assumed that the Senator from Nebraska was opposed to the point of order, the Chair felt it was not necessary to listen to argument against it.

Mr. WHERRY. The Chair anticipated what I was going to say?

The VICE PRESIDENT. Yes; he did.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. Did not the Chair state before the point of order was raised that he was of the opinion that the point of order was not valid?

The VICE PRESIDENT. The Chair stated that if the Senate voted that this amendment was germane, that in itself eliminated any further point of order against it.

The Chair would like to make an observation. There are two rather apparently conflicting provisions of the rule. As the Chair said a while ago, it is a little unusual for the sponsors of an amendment to make the point of order that it is germane when no Senator had made the point of order that it is not germane. The decisions of the Chair are usually made on the points of order made against an amendment to or a provision of the bill. But under the precedent referred to, when a similar situation arose, the Senate voted on the question, and held that the matter was germane, although the point of order against its germaneness was not made.

There are two theories about the question of legislation on an appropriation bill and the limitation of language in an appropriation bill. Language that limits or prohibits the expenditure of money is a limitation. Language in the bill which affirmatively directs the executive department how to spend money is not a limitation. Under the rule which has been long upheld by precedents and decisions, in a general lump sum appropriation bill amendments directing that a portion of the money be spent for any specific purpose are not in order. But that point is not raised here. That is not before the Chair. It would be properly, in connection with a point of order against the amendment, on the ground that it is legislation on an appropriation bill.

The Chair, I think, indicated—if not, he would now—that he thinks this is legislation on an appropriation bill. Undoubtedly it is. But the question of the germaneness of that legislation to some other legislative provision in the bill had to be submitted to the Senate. The Senate has decided that it is germane. It is not for the Chair to say what it is germane to. The Senate decided it was germane to something, and that, of course, has to stand as the ruling of the Senate. Therefore, the Senate having decided that question in the affirmative, the point of order that it is legislation, and therefore in violation of the rules, must be overruled because the Senate held by its vote that if it is legislation—and by implication it might be held that the Senate voted that it is legislation, but that it is germane to some other legislative provision in the bill—the Chair is compelled to overrule the point of order made by the Senator from Illinois.

The Chair acknowledges the confusion by which this rule seems to be surrounded, growing out of a previous decision of the Senate, but the Chair cannot help that.

The question now is on the amendment itself.

Mr. PEPPER. Mr. President, will the Chair permit a parliamentary inquiry in connection with the ruling just made?

The VICE PRESIDENT. Yes.

Mr. PEPPER. So that Senators may be informed about the future course, does the ruling of the Chair mean that when the question of germaneness is raised by the proponent of an amendment and settled in the affirmative, that shall be held conclusively to mean that the decision of the Senate was that it was not only germane, but germane to a legislative provision which came over from the House of Representatives in the bill, and that, therefore, the question of the matter in issue being legislation is not subject to be raised as a point of order?

The VICE PRESIDENT. The Chair is inclined to the opinion—not rendering any decision, however—that if the question of the germaneness of any amendment to an appropriation bill is submitted to the Senate, and the Senate votes that it is germane, that ends it so far as any objection to it on the ground that it is legislation on an appropriation bill is concerned. That may be a ridiculous parliamentary situation, but that seems to be the consequence of the Senate's action.

Mr. PEPPER. Will the Chair allow a further observation on that point?

The VICE PRESIDENT. Yes.

Mr. PEPPER. It had seemed to the Senator from Florida that in the rule there were two questions presented, one the question of relevancy, which is decided, not by the Chair, but by a vote of the Senate. The second one is the question whether the subject involved is legislation on an appropriation bill. It did not seem to the Senator from Florida that the decision in the affirmative on the question of relevancy necessarily precluded the question of it being legislation on an appropriation bill, because, for example, the ruling on the question would be by a different tribunal. Under the rule itself, on the question of germaneness, the decision is by the Senate, but on the point of order as to whether the matter is legislation on an appropriation bill I had understood that the decision would be by the Chair. So they must be different questions. I had never understood that the question on the point of order as to a matter being legislation on an appropriation bill would be submitted without argument to the Senate for its decision. Therefore, they must be two separate questions, and I do not think it necessarily follows that the decision of one by the Senate necessarily precludes the decision of the other by the Chair, unless, as the question I put originally supposed, the affirmative decision of germaneness by the Senate is presumed conclusively to be a decision by the Senate that the issue is not only relevant, but relevant to a legislative provision which came over to the Senate from the House of Representatives.

The VICE PRESIDENT. The Chair would state that it has been held frequently by the Senate and by the Chair—by the Chair, at least—that where there is legislative matter in an appropriation bill coming over from the House a legislative amendment to that legislative proposal already contained in the House bill is in order if germane to that particular matter, and the question of its germaneness must be submitted to the Senate. That is wholly independent of the point that it is legislation, because that presupposes that it is legislation or that it is an amendment embodying legislation, and if it is not germane to any other legislative provision in the bill, and the Senate so decides, of course, that vitiates the amendment at once.

But if the Senate holds, which it has done in this case, that it is germane either to the language to which it is appended, or germane to the bill—because the rule itself deals with germaneness to the bill as well as to any particular part of the bill—if the Senate votes that it is germane, although legislation, if it is germane to any other legislative provision of the bill, the Chair does not see how he can overrule that decision of the Senate by deciding that, although the Senate has held that it is legislation and that it is germane, nevertheless the Chair can say that it is legislation on an appropriation bill, and therefore declare the amendment out of order. That would be in effect overruling the decision of the Senate.

Mr. PEPPER. The point I had in mind was that the Senate Committee on Appropriations might present some matter in the bill with respect to which the question of germaneness might arise, and the Senate might decide the question of germaneness itself; but I had not supposed that it would be conclusively presumed that, if it were germane to a legislative provision, it would not be subject to the point of order that it is legislation if, in the opinion of the Chair, it were not only germane but also legislation on an appropriation bill.

The VICE PRESIDENT. The question whether an amendment is germane to a legislative provision is for the Senate to decide. The Senate decided that this amendment was germane to a legislative provision of the bill as it came over from the House. When the Senate decides that it is legislation, but that it is germane to the bill, the Chair cannot throw the amendment out on a point of order that it is legislation, because the Senate has voted that, notwithstanding it is legislation, it is germane to a legislative provision of the bill.

Mr. PEPPER. The Chair did not suggest that under the rule the Chair did not submit to the Senate the question whether or not it is legislation.

The VICE PRESIDENT. The Chair does not have to submit that question.

Mr. PEPPER. Only the question of relevancy was involved in the decision of the Senate. It seems to me that under the rule a second decision, as to whether it is legislation on an appropriation bill, should be made by the Chair. In that case, even if it were relevant to a legislative provision, it would be subject to a point of order.

Mr. TAFT. Mr. President, I appeal from the decision of the Chair.

The VICE PRESIDENT. From what decision of the Chair does the Senator appeal?

Mr. TAFT. The decision overruling the point of order of the Senator from Illinois.

The VICE PRESIDENT. Such an appeal is in order. Does the Senator wish to argue the appeal?

Mr. TAFT. I appeal from the decision of the Chair for this reason: I am no strong partisan of either side so far as the amendment is concerned; but it seems to me that we are embarking on a course which will lead to the breakdown of the rule prohibiting legislation on appropriation bills. I think it is an excellent rule. I cannot see why a point of order cannot be made against an amendment on the ground that it is legislation, even though it may be germane.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. GEORGE. Is not this body entitled to amend an appropriation bill

sent over by the House of Representatives?

Mr. TAFT. The rule provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. GEORGE. When the House has inserted a legislative provision——

Mr. TAFT. That is another question.

Mr. GEORGE. No; it is precisely this question.

Mr. TAFT. If the House has inserted general legislation, the amendment does not propose general legislation. The House has already done it, and we are developing in that field the question of further general legislation by amending the general legislation which the House has put in the bill. But it seems to me there can be no question about the result.

I do not see any relation whatever between the rule regarding general legislation and the rule regarding germaneness. The English is entirely separate.

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

They are entirely distinct. There is no relation whatever between them so far as I can see. The question of germaneness is dealt with in one way by a vote of the Senate. Suspension of the rule regarding general legislation has always been by a two-thirds vote. If we want to insert general legislation in an appropriation bill, I see no possible argument for the claim that the two propositions are related, and that because an amendment is germane it is no longer general legislation. The two rules are entirely distinct.

I believe that if this precedent is established, it means an end to the rule which forbids general legislation on an appropriation bill. I think it is a very bad practice. It is done too much, and I do not think the practice should be extended. So I appeal from the decision of the Chair. I feel that the Senate itself should decide in this case. The question of general legislation is a point of order which can be raised regardless of how the Senate votes on the question of germaneness.

Mr. GEORGE. Mr. President, I wish to say a few words on this question. I believe it to be important. I think the question of whether an amendment is germane to something which is inserted by the House of Representatives is a complete answer to the point of order that it is legislation. Otherwise the hands of this body would be tied to leaving, just as the House sent it to us, a purely legislative matter which they themselves inserted in an appropriation bill. There can be no point of order as to what the House did on an appropriation bill. Our rules do not apply to the House. The House itself is the judge of its own rules, and when it sends us a bill which clearly contains legislative matter, though it be included in a general appropriation bill, then certainly if we cannot amend that legislative matter, we become an utterly useless part of the legislative process.

Mr. TAFT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. GEORGE. I yield.

Mr. TAFT. The Senator is not suggesting, is he, that there is any general legislation put in this bill by the House of Representatives at any place?

Mr. GEORGE. Oh, yes.

Mr. RUSSELL. The amendment is right in the middle of it.

Mr. GEORGE. The amendment is in the very body of a legislative proposal inserted by the House. The ruling of the Chair is the only logical ruling that can be made. It is unnecessary to make the point that an amendment is germane. That is a defensive argument against striking the amendment, because the point has been made that it is legislative. What is the status of it? Here is a legislative matter. Let us concede that it is purely legislative, inserted by the House under its own rules. It comes to this body. A point of order is made to an amendment offered in the Senate that it is in the nature of legislative matter and cannot be included in a general appropriation bill. When that is urged, and that question is decided as the Chair properly resolved it in this case by submitting it to the Senate, that is the answer. Yes; it is legislative matter, but we are proposing to amend it. We must have the right to amend it, and therefore when it is determined to be a legislative matter by the Senate, the point of order that it is a legislative matter is, of course, of no force or effect. It seems to me it is too clear to admit of argument, and I do not think any other consistent rule could be adopted if this body is to be left free to legislate on what the other body of the legislative branch has itself inserted in the bill.

If the Senate inserted a legislative provision in a general appropriation bill, and if some Member of the Senate proposed from the floor to amend that legislative provision by another legislative provision or by some modification or change of it, certainly the point of order would be well taken because the whole thing would be subject to a point of order—that is to say, the whole amendment as first inserted by the Appropriations Committee, and also the proposal submitted by some Member from the floor to amend it.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. TAFT. What is the provision of the House which amounts to legislation? All I can see is general authority to spend $3,600,000,000 for the purposes of the act.

The only legislation I can see is the statement "without regard to section 3651 of the Revised Statutes."

Mr. GEORGE. Mr. President, the Senator from Ohio is exactly in the same boat with the distinguished Senator from Illinois, and both of them are complaining that the umpire made a wrong decision. However, the Senate decided that it was relevant, that it was material, that it was germane. That is the end of the matter. The umpire decided against the Senator.

Mr. TAFT. Oh, no; the question is whether germaneness has the slightest connection with the point of its being legislation. The only legislative matter I can see that the House has inserted is the statement that this shall be done without regard to section 3651 of the Revised Statutes.

Simply because the House opened up that provision, I do not think we are entitled to go further and change all the other features of the Economic Cooperation Act in any way we choose, in violation of the rules of the Senate which say we shall not do so.

Mr. GEORGE. Mr. President, the Senator from Ohio is making a powerful argument against a decision which has just been made by the Senate—a decision that this amendment is germane. In this case germaneness is an absolute, positive defense. It is not a mere plea of "not guilty," meeting the issue on the merits, but it is a positive defense equivalent to any positive defense which might be offered in any court to any cause of action.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. McKELLAR. I wish to call the Senator's attention to the fact that the wording of the House bill was that—

and loss by exchange, $3,568,470,000—

And then this is added:

and (2)—

Thus connecting both of them together—

not to exceed $500,000 shall be available for expenditures of a confidential nature (other than entertainment) under the direction of the Administrator or the Deputy Administrator, who shall make a certificate of the amount of such expenditure which he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the amount therein specified.

That is legislation pure and simple. There can be no question about it.

What does it do, Mr. President? It gives the Administrator and even the Deputy Administrator certain rights which they do not now enjoy. That is legislation. No one can dispute it. It is there.

Mr. GEORGE. Mr. President, I thank the Senator for submitting the argument, but I do not think we need any argument. The issue has been submitted to the Senate, and the Senate decided that the amendment is germane. That answers the point of order that it is legislation.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. SALTONSTALL. I hesitate to disagree with the distinguished Senator from Georgia, but he has just used the words "germane amendment." I voted in favor of holding the amendment to be germane, but I do not consider that I voted on the question of the amendment's being legislation on an appropriation bill.

I agree with the Senator from Florida and the Senator from Ohio that two questions are involved here, namely, the question of germaneness and the question of legislation on an appropriation bill.

This amendment is germane to an appropriation bill, but it is not necessarily in order if it is legislation on an appropriation bill. It seems to me that we can vote that it is germane to the appropriation bill and still have a question, to be presented to the Senate, as to whether it is legislation on an appropriation bill.

It seems to me that now the question of a point of order as to the amendment's being general legislation is open, even though it has been decided to be germane to an appropriation bill. The appropriation is the granting of funds for a present-day policy of government. A legislative amendment is a change in a policy of government. That is why legislation cannot be added to an appropriation bill.

This is germane to an appropriation bill, but not necessarily germane to a legislative provision.

I most respectfully say to the Senator from Georgia that he confuses the two points when he says that the question of germaneness and the question of legislation on an appropriation bill are one and the same thing.

Mr. GEORGE. Mr. President, I appreciate the admonition of my distinguished colleague and friend, the Senator from Massachusetts; but there can be no issue of germaneness, unless the amendment is germane to something inserted in the bill by the House of Representatives.

If the Senator's position were correct, then on any sort of an appropriation measure if we were to do anything by way of amendment to a part of the appropriation fund, that would be a germane amendment. But I do not think so.

If I may be pardoned for the comparison, let me say it is exactly comparable to a situation in which a person is indicted for murder. He might defend by saying "I am not guilty," or he might offer an affirmative defense that he was utterly crazy when he committed the act. In that event the authorities could not do anything to him, unless he subsequently recovered his sanity.

So, when someone makes the point of order here that an amendment is legislation on the appropriation bill, the answer is, if that point can be sustained, "Yes, it is; but it is absolutely germane to something already put in the bill."

Otherwise we would deliberately tie our hands; and the House could do whatever it pleased to do, but we could not touch that action on the part of the House except to vote it either up or down.

Mr. MYERS. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. MYERS. Under the Senator's proposal, is it not possible for the Senate to determine whether the amendment is germane?

Mr. GEORGE. That is correct.

Mr. MYERS. As a result, we no longer give any effectiveness to the point of order that the proposal is legislation. Is that correct?

Mr. GEORGE. No; we do not give any effectiveness to the point of order, because the Senate has deliberately recorded itself contrary to its previous judgment of fact. Sometimes I have seen the Senate do that, I may say.

Mr. MYERS. But in the future, in connection with any similar provision, the Senate can say it is germane; the Senate can say that an amendment in the nature of legislation came to us from the House of Representatives, and, therefore, after such a vote, no longer can a point of order be raised as to whether the matter is legislation on an appropriation bill.

Mr. GEORGE. That is exactly true. But I do not mean to say that the Senate would so vote if there were no basis for such a vote.

In this case I think it is germane; but I would be most reluctant to assume that the Senate would ever say that something is germane if it had no possible basis upon which that statement could stand.

Mr. MYERS. It opens the door to that.

Mr. GEORGE. Yes; it opens the door. But the door is always wide open for us to vote as we please.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. ANDERSON. Following the suggestion made by the distinguished senior Senator from Ohio [Mr. TAFT] are we to understand now that the rule is that if an appropriation bill is before the Senate and the Senator from Arkansas [Mr. MCCLELLAN] proposes his economy amendment and asks whether it is germane, a mere vote of the Senate that it is germane would obviate the two-thirds rule under which the Senate has heretofore operated? Is that correct?

Mr. GEORGE. If the amendment were germane, and the Senate so held.

Mr. ANDERSON. If he so proposed, then the two-thirds rule would be out. Is that correct?

Mr. GEORGE. Yes; the two-thirds rule has nothing to do with it, if it is germane. But of course the Senate must make that decision.

Is the Senator willing to have the House write legislation in an appropriation bill, and then have the Senate foreclosed from amending it or changing it?

Mr. ANDERSON. No; but I would say to the Senator from Georgia that in the Senate I voted on an issue to which the two-thirds rule was applied. I refer to the economy motion made by a Senator on the other side of the aisle. The motion carried by a majority, but it did not receive a two-thirds vote. Now I understand that, the next day, all it would be necessary to do would be to ask that it be declared, by majority vote, to be germane, and then the motion could be adopted.

Mr. GEORGE. Yes, Mr. President; it is possible for the Senate to do that, if the Senate wishes to stultify itself. But I would not assume that the Senate would wish to do so. If the Senate wishes to do that, it may do it. There is no power on earth that can keep the Senate from casting a foolish vote or one wholly untenable, if it wants to do so.

Mr. President, it seems to me too clear to permit of argument that the appeal should be overridden, and the Chair should be sustained; otherwise we cannot preserve freedom of action in this body. One way of preserving our freedom of action is to be able to offer amendments so long as they are germane to something the House has embedded in the legislation we are asked to confirm or approve.

The VICE PRESIDENT. Let the Chair state that, as he understands, the debate is now proceeding on the appeal from the decision of the Chair.

Mr. LUCAS. Mr. President, the Senate of the United States is about to make one of the most far-reaching and momentous decisions from the standpoint of parliamentary law it has been called upon to make since I have been a Member. I always dislike to disagree with the very able and eminent Senator from Georgia, but, Mr. President, just so surely as we permit the ruling of the Chair to stand, we open the door in the future to all types and kinds of legislation to be proposed by the Appropriations Committee.

Mr. President, I do not say the Senate will ever stultify itself by doing that, but I say the door is wide open to turn over to the Appropriations Committee not only the appropriations which come before the Senate, but also the legislative policy of this great deliberative body. If this ruling is to be followed in the future, then the rule requiring a two-thirds vote before a legislative amendment could be added to an appropriation is to be disregarded. A majority will be able to write any type of legislation upon an appropriation bill it may desire. It has been done in the past. It will be done again. Every Senator knows that appropriation bills have come from the Appropriations Committee to the Senate without House legislation contained therein, and yet the Senate committee would seek to add legislation of its own upon the bill. I would not charge the committee members with stultifying themselves by so doing.

As Senators know hundreds of times the two-thirds rule has been invoked. But had they known the situation as developed today, all that would have been necessary to do would be for Senators merely to say "We do not think it is germane," followed by a majority vote sustaining the germaneness. As a result, the two-thirds rule would be gone, and the Appropriations Committee, powerful as it is now, would practically take over the Senate of the United States and run it. That is the trend, Mr. President, based upon all these amendments in the bill before us.

Mr. President, the Appropriations Committee has certain duties to perform. The committee has no right to write into an appropriation bill legislation of this

kind unless the two-thirds rule applies. The Senate should have the right to apply the rule, when the point is made that an amendment constitutes legislation upon an appropriation bill. Notwithstanding the one ruling in the past which the Chair cited, I maintain that that ruling should be overturned in the interest of orderly procedure in the Senate, in the interest of keeping the Appropriations Committee from becoming the one and only committee in this body that will control practically everything that comes along. If that committee can write this kind of legislation into an appropriation bill, I do not care what comes up next in the way of an appropriation; other types of legislation will be written into it, and the Appropriations Committee will be making all the legislation for the Senate of the United States.

Mr. ANDERSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. LUCAS. I yield to the Senator from New Mexico.

Mr. ANDERSON. If there were a legislative bill to create funds for the taking of a census, would it be possible to put a poll tax rider on it?

Mr. LUCAS. It is possible to do anything, under this ruling. In other words, when a poll-tax rider is put on an appropriation bill, or a census bill, and the majority says it is germane—that makes it so.

Mr. WHERRY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. LUCAS. I yield.

Mr. WHERRY. But the Senate would make the determination of whether——

Mr. LUCAS. Of course, they would.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. Certainly.

Mr. WHERRY. I am having a hard time. Well, go ahead.

Mr. LUCAS. The Senator never had a difficult time with me.

Mr. ANDERSON. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. ANDERSON. Does the Senator not believe a majority might vote for the poll-tax rider?

Mr. LUCAS. The Senator knows, if a poll-tax amendment were tacked onto an appropriation bill, it would be voted to be germane. The great majority of people believe in anti-poll-tax legislation, and Senators would vote their political convictions, whether such an amendment were germane or not. Everybody knows that to be so.

Mr. WHERRY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. LUCAS. I yield.

Mr. WHERRY. Mr. President, does the Senator recall that before the vote was taken, the minority leader rose to address the Chair, and propounded a parliamentary inquiry?

Mr. LUCAS. That is correct.

Mr. WHERRY. The parliamentary inquiry was, if the Senate decided that the amendment was germane, whether that in itself made a determination of the point of order that had been made by the majority leader. Every Senator heard that parliamentary inquiry. The Chair said in his opinion the point of order made against legislation in the bill would be decided adversely, if the Senate voted that the amendment was germane.

Now, for the majority leader to say that the Appropriations Committee is taking over the Senate, when Members of the Senate heard and knew, when they voted on the question whether the amendment was germane, they would settle the issue, is certainly beside the point. It is not an issue at all. I am a member of the Appropriations Committee. I say to you, Mr. President, it is one of the finest committees in the United States Senate. [Laughter.] That applies to all its members. They all deserve praise. They have had great debates among themselves, and there have been some very close votes on certain issues, and on these amendments. But I ask, Mr. President, on the point made by the distinguished Senator from Georgia, are we going to permit the House of Representatives repeatedly to write legislation and limitations on appropriations bills and have no recourse ourselves?

Mr. MAGNUSON. Why does not the Senate committee cut out such matter.

Mr. WHERRY. Mr. President, may I continue?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. LUCAS. I yield.

Mr. WHERRY. As I was saying, is the House to be permitted continually to write legislation and limitations in appropriation bills without our being able to make a point of order against such provisions? Is our own right to be foreclosed, either in the Appropriations Committee or on the floor of the Senate, so that, instead of the Appropriations Committee being all powerful, their power is to dwindle until it has no rights and we are not event coequal with the House of Representatives? Are we not coequal with the House of Representatives? My position is that when the Senate voted on the question germaneness it voted with the full knowledge that the point of order would not lie, if there was any merit to the argument made before the vote was taken on the germaneness of the amendment. I think the point or order does not lie, and I shall therefore, vote to sustain the decision of the Chair.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. LODGE. Mr. President, I merely want to say to the Senator from Illinois that I think his argument in this instance is completely sound. During the years I have been in the Senate, going back to January 1937, I have come to appreciate the fact that the rule which requires a two-thirds vote for suspension, in order to attach legislation to an appropriation bill, is the one thing which stands between the Senate and chaos. It is the one thing which enables business to be transacted in an orderly way. If we nullify that rule, it means that there will be unlimited legislation on appropriation bills, and the President will be absolutely helpless to deal with the situation, because the only way he can cope with it is to veto appropriation bills and paralyze the operations of the Government. I say to the Senator from Illinois that if this Pandora's box is opened as it looks as though it might be today, every Senator will live to regret it.

Mr. PEPPER. Mr. President the issue now before the Senate is whether the decision of the Chair shall be sustained. I shall vote in favor of the appeal and against the decision of the Chair. In doing so it seems to me that all I shall be voting for is that when the question of germaneness is decided by the Senate, that vote does not preclude the Chair, when, subsequently, a point of order is made that the matter in controversy is legislation on an appropriation bill, from himself passing upon such a point of order.

I venture to suggest that the parliamentary way by which this matter would ordinarily have been handled would be this: The question of relevancy and germaneness to be decided by the Senate does not necessarily have to relate to something which came over from the House of Representatives. It might relate to a matter put into a bill by the Senate Appropriations Committee. The rule itself speaks in the alternative, as the Senator from Ohio has emphasized, about germaneness and about general legislation on an appropriation bill. As I mentioned a while ago, the rule of relevancy and germaneness is to be decided by the Senate, but the question whether a point of order should be sustained on the ground of legislation in an appropriation bill is decided by the Chair. Therefore they are, of necessity, two matters and two separate issues. All the Senator from Ohio [Mr. TAFT] invites us to do is to say that by the decision of the Senate on the matter of relevancy, when subsequently a point of order is made, the Chair is not precluded from passing his own judgment upon the validity of a subsequent point of order.

In this particular case the second and most important question is, What must the subject of legislation coming over from the House have been, and must the matter in issue be relevant to that legislative provision. That is what the Senator from Ohio pointed out awhile ago. Does the House of Representatives have the power of putting one legislative proposal in a whole appropriation bill, and has the Senate the power to put in any matter of legislative character merely because there is one in another part of the bill?

The Senator from Tennessee, the able chairman of the committee, read line 10 down to line 16 and claimed that was legislation incorporated by the House of Representatives. Suppose it is. We are talking about an amendment which goes from line 4 down to line 9. The two deal with entirely different subjects.

The legislation to which the able chairman called our attention deals with a confidential fund of $500,000 which the Administrator might employ. The Senator from Arkansas is offering legislation which deals with the subject of surplus farm commodities.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. I thought this particular amendment was germane, and there was no suggestion that the germaneness related to what the House of Representatives had put into the bill in the way of legislation. The question was, Was it germane to the whole Economic Cooperation Administration? It seemed obvious to me that it was; but I certainly did not intend to vote on the question of whether this amendment and amendments which the House has put into the bill might be called general legislation.

So it seems to me the question we passed upon has no relation to what the House put into the bill. The Chair may rule, if he so desires, that the House has opened this particular subject, and he may find this is germane to what the House put in. But that is not the question on which the Senate voted. The Senate voted on whether the particular amendment was germane to the whole program. That is why I voted "yea." If I had been asked to vote on whether it was germane to some legislation the House placed in the bill, I should have voted "nay." That was not the question before the Senate.

Mr. PEPPER. That is the point I wanted to emphasize. The Chair did not present to the Senate the question whether the matter in issue was relevant to lines 10 to 16 of the appropriation bill. I wanted to suggest that the Chair is not precluded, by that rule of relevancy and the decision of the Senate in favor of relevancy in this case, from subsequently passing upon the point of order made by the able Senator from Illinois [Mr. LUCAS].

The VICE PRESIDENT. The Chair would like to say in that connection that it is not the duty of the Chair to point out to the Senate to what provision an amendment is germane or in what respect it is germane to the whole bill. The rule takes that entirely out of the hands of the Chair and submits it to the Senate, as to whether it is germane. The Senate must make up its own mind as to what provision it is germane to or whether it is germane to the whole bill. That is not one of the functions of the Chair, under the rule.

Mr. PEPPER. That is the point the Senator from Florida inquired about a while ago. Is it conclusively presumed when the Senate decides an amendment is relevant or germane, that it is not only germane or relevant, but it is also germane and relevant to a legislative provision in a bill which came over to the Senate from the House of Representatives?

I venture to suggest that that is a nonsequitur. It would seem to me once the question of germaneness is decided affirmatively by the Senate, then when the Senator from Illinois made the point of order that, assuming it to be germane, it is legislation on an appropriation bill, and therefore it is in violation of the rules of the Senate, the Chair would have to determine whether it was not only germane, as the Senate decided, but whether it was legislation on an appropriation bill. The Chair would have to look at the amendment in question to see whether the House of Representatives had put in a legislative provision on that particular subject, dealing with the matter of surplus agricultural commodities. If the House had put in an amendment or a provision dealing with the disposal of surplus agricultural commodities, then the Senate would certainly be at liberty, as the Senator from Georgia said, to alter a legislative provision sent to us by the House or Representatives; but then it would have been up to the Chair to have seen whether there was a legislative provision dealing with the subject, which came from the House of Representatives, dealing with a confidential fund. Then, if the Chair found that the House of Representatives had placed a provision in the bill dealing with surplus agricultural products——

Mr. WHERRY. Mr. President, may we have order?

The VICE PRESIDENT. The Chair pounds the desk and repeatedly asks the Senate to be in order, and the Chair obtains order. Then, as soon as a Senator begins to speak, disorder is resumed. The Chair hopes that the Senate will respect not only the Chair's desire to keep order, but will respect the rights of the speaker who has the floor, the Senator from Florida.

Mr. PEPPER. Mr. President, I was saying that the Senate having decided the matter of relevancy or germaneness in the affirmative, then it would seem to me that when the Senator from Illinois made the point of order that the subject in question was legislation on an appropriation bill, the rule contemplates that the Chair will look at the subject matter in question to see if there is a provision of a legislative character on that subject in the bill coming over from the House of Representatives. If the Chair should find that there is, then the Chair should hold, conformably to our precedents, that in spite of the fact that it was legislation, nevertheless, there was in the bill from the House of Representatives a basis for legislation on this subject, the Senate had adjudicated that it was germane, and therefore the point of order would be overruled.

If that is what the Chair wishes to hold, I think we would come out probably at the same place, but only if the Chair holds that the action of the House of Representatives legislating on confidential funds makes the Senate able to put in legislation on any subject without its being liable to a point of order.

I do not believe the Chair really intends to hold that the House can put a legislative provision in a bill dealing with any subject and that that opens the door completely to the Senate to deal legislatively with any other subject.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McCLELLAN. I ask the able Senator whether, if $200,000 of the $500,000, to which the Senator refers, as placed in a confidential fund by legislation, came over in the House bill, it does not come out of the appropriation with which we are dealing.

Mr. PEPPER. Certainly; everything comes out of the appropriation.

Mr. McCLELLAN. Very well. If the House can legislate to take a part of that appropriation and apply it for one purpose, cannot the Senate amend it to make a part of it apply to another purpose, and would not that be legislation on legislation that came over from the House, and therefore germane?

Mr. PEPPER. The House did not legislate on the subject on which the Senator calls on us to legislate—that is, agricultural surpluses. The House legislated on confidential funds for the Administrator to use, and I say to the able Senator that I do not see how he can take that subject, on which the House was legislating, and claim that that is legislation on the subject we are dealing with when they are entirely unrelated.

Mr. CONNALLY. Mr. President, I wish to say just a word on this matter. I am supporting the view of the Senator from Ohio, and I apologize to the Chair for not supporting his view.

The VICE PRESIDENT. The Senator does not have to apologize to the Chair.

Mr. CONNALLY. I always like to support the Chair when possible.

The VICE PRESIDENT. The Chair has decided the question as the rules are laid down, and as they have been interpreted from time to time as shown by the precedents. Every Senator has a perfect right to disagree with the Chair and to vote to overrule him.

Mr. CONNALLY. Certainly; I agree with the Chair—in that particular. [Laughter.]

Mr. President, when I was a young country lawyer——

Mr. WILEY. How long ago?

The VICE PRESIDENT. A Senator cannot interrupt another without rising to his feet.

Mr. CONNALLY. Not so long ago as the Senator from Wisconsin. When I was a young country lawyer frequently we would be discussing decisions, and an older lawyer would say, "Have you looked at the statute? Have you gone back and looked at the statute instead of theorizing about so and so, and so and so?"

Mr. President, I think this is a good time for us to look at the statute a moment. I read from subdivision 4 of rule XVI:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

What does that mean? It does not say, "No amendment unless it is germane shall be received." It does not say "No amendment written in longhand shall be received," or "No amendment written on a typewriter shall be received," or that "No long amendment shall be received." It says, "No amendment which proposes general legislation

shall be received to any general appropriation bill." That is pretty plain language. It says that no amendment, none, no kind of an amendment. Then it proceeds. If the rule were going to stop there, that would be one thing. But something is added:

Nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

That is wholly a different matter. That relates to the bill. If one offers an amendment, under subdivision 4 it has to be germane, under this pronouncement of the rule. When we vote on whether an amendment is germane, we are voting under that angle of the rule, not as to whether it is legislation, but whether it is germane. It is proper for the Chair to submit the question, and it is for the Senate to decide whether it is germane. But it does not decide whether or not it is legislation.

Nor—

Here is another "nor," meaning in addition to and different from the subject which went before, because it says "nor." It does not say "and."

Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Mr. President, in all frankness, it seems to me that there are two angles to this matter. First—and it is put first in the rule—the primary objective of that provision is to take care of legislation. First, is it legislation? Yes. Well, then it is out. That is what the rule says, "No amendment."

Of course, some of the rulings and decisions may have had some modifying effect on that; but I am going back to the rule, I am going back to the statute, I am going back to Blackstone.

No amendment which proposes general legislation shall be received to any general appropriation bill.

That is for the Chair to decide. It says further:

Nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

It may not violate the first section of the rule, but if it does not, it still has to be germane to the language to which it is offered, and that is what we voted on, as to whether it was germane or not.

I submit, Mr. President, that the appeal is in the interest of the maintenance of this rule. If a bare majority of the Senate can declare something germane and therefore make it in order when the rule says it is not in order, we turn the Senate over to the whim, the caprice, the momentary passion, and the momentary prejudice of its Members, instead of holding on to the rules and the regulations as the Senate has known them over the years.

Mr. HOLLAND. Mr. President, it is with great diffidence that I advance one thought which it seems to me has not been brought into the debate. I do so with the utmost of respect for the Presiding Officer, for the distinguished Senator from Georgia, and for others who have expressed a contrary view.

It seems to me it is wholly clear from reading the rule that there are two separate questions, the one of germaneness "to the subject matter contained in the bill," and the other the question of whether or not "general legislation shall be received" to an appropriation measure.

Mr. President, the sole point I wanted to make is that there is no identity or sameness at all between the question of whether the proposed amendment includes new legislation and the question of whether it is germane. The fact that those two questions are entirely different may be shown with complete conclusiveness when it is remembered that the amendment might have dealt with an appropriation which had already been authorized but which was not at all consistent with the subject matter of the bill, in this case the appropriation bill for ECA.

Suppose the amendment had suggested the inclusion in the bill of an appropriation for an authorized project of reclamation in the West; or an authorized project dealing with the Panama Canal; or a project, already authorized, for the building of a new Federal building at some place in this Nation, having no relation at all to the ECA. It could not be suggested that new legislation was proposed, because it would not be new legislation. The project would have been authorized already, wholly subject to appropriation at the proper time, but nevertheless it would not have been germane to the subject matter of the bill then under consideration. How could it be said, by the most extreme stretch of the imagination, that the fact that the Senate would have ruled in such a case that that measure was germane, even if it were not at all, could have been the same in any sense as a ruling that it was or was not proposed new legislation?

Mr. President, the two questions are entirely separate and distinct, and I support entirely the position taken by my distinguished colleague, the senior Senator from Florida [Mr. PEPPER], by the Senator from Texas [Mr. CONNALLY], by the majority leader, the Senator from Illinois [Mr. LUCAS], and by the senior Senator from Ohio [Mr. TAFT]. I think we would get into a very difficult and dangerous position, from which we would have tremendous difficulty in extricating the Senate in the future, if we should hold that the question of germaneness was the same question as whether or not new legislation was presented.

Mr. President, they are two separate and entirely distinct issues, and a ruling on the one does not in any way involve a ruling or expression upon the other.

Before closing, I want to say that I fully and completely support the position of my distinguished colleague to the effect that the question of germaneness is addressed, by a provision of the rule, to the discretion of the membership of the Senate, and the other one involves a complete exclusion of a certain field from proper legislation, subject only to the ruling of the Presiding Officer, and subject, of course, to the rule that the Senate can waive its rules by a two-thirds vote of the Senate.

Mr. FULBRIGHT. Mr. Senator, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. FULBRIGHT. With regard to the point made by the Senator from Georgia that it is no defense on our part to say that we will be dominated by the House, is not the answer to that that we can strike anything the House puts in any bills? We do not have to accept what the House puts into bills. It is not necessary, is it, that we accept without an amendment anything the House puts into a bill? We are always at liberty to strike anything the House puts into a bill.

Mr. HOLLAND. The Senator is, of course, correct. By simple amendment, voted by a majority of the membership in attendance at any time such a matter can be stricken from the bill. But it is sought, by the ruling made by the distinguished Presiding Officer—and I say this with all respect to him—to hold a monstrous thing, namely, that the question of germaneness is the same question as the question of whether or not general legislation is proposed. The two things are as different as black is from white. They have no identity or sameness whatever.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. LONG. I should like to ask the Senator from Florida how he interprets the provision respecting germaneness. I have not heard it argued that this amendment was germane to any provision in the bill. It is my understanding that the House adopts legislation. The Senate only has the right to amend and change that legislation on an appropriation bill, insofar as the Senate amendment is germane to legislation inserted by the House. That would be my impression. In this case the House inserted certain general legislation. The Senate committee inserted other general legislation which had no relationship whatsoever to the House legislation. Now where is the germaneness between those two?

Mr. HOLLAND. In answer to the Senator from Louisiana the junior Senator from Florida would simply say that his understanding is that the question of germaneness is limited by the words in the rule "germane or relevant to the subject matter contained in the bill." That would mean the subject matter contained in the bill as it reaches the Senate.

Mr. LONG. Does the Senator see any subject matter in this bill that contains any germaneness to the amendment offered by the Senate committee?

Mr. HOLLAND. That is a question which has been decided by the majority of the Senate, and differently from the way the junior Senator from Florida would decide it.

The point I make, which is completely fundamental to the debate now taking place, which we must recognize if we are to give force and effect to the words and ideas in the rule, is that germaneness is not the same thing at all as the question

of whether or not new general legislation is involved. They are two separate items, two separate and distinct objectives, dealt with in a separate and distinct way under the rule, and we would, I think, creep into fundamental error which would be most mischievous in the future, if we should hold that the mere voting that a proposed amendment was germane would mean that the Senate was then and thereby excluding itself from consideration of the other question, and depriving its presiding officer of jurisdiction to pass upon a mandatory requirement of a rule which in the interests of sound legislation provides that no new legislation can be engrafted upon an appropriation bill.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. MAGNUSON. The senior Senator from Georgia made the point, as did the Senator from Arkansas, that if the ruling of the Chair was not sustained we would put ourselves in a position where we would be helpless to consider or to change House legislation which was put in an appropriation bill contrary to the House rules, with which I am familiar. Is not the fact that this legislation is before us, and was not knocked out by the House, probably the best reason not to have such a ruling as suggested here today? Otherwise the House will legislate contrary to its rules, and we, in the Appropriations Committee, will legislate contrary to our historic rules, and so the two committees will become two legislative committees.

I express this point: Why is it not the duty of the Senate Appropriations Committee, instead of trying to sustain such a rule, to protect themselves against House legislation that is contrary to House rules, long standing House rules? Why do they not knock out legislation which the House sends to the Senate on an appropriation bill, which is contrary to the rules of both Houses, that can be done in committee?

Mr. HOLLAND. If the remarks of the Senator are posed as a question I would simply say that I think the complete answer is that the Senate has the power at any time during the consideration on the floor——

Mr. MAGNUSON. Or in the committee.

Mr. HOLLAND. On bills coming from the House, or any other bill, to strike out words in a bill which it does not wish to have remain in the bill, whether it thinks that those words were placed in it in violation of the rule, or whether those words simply do not comport with the thinking of the majority of the Senate. The Senate has the complete right, of course, to change the phraseology of the bill during the course of its consideration.

Mr. RUSSELL. Mr. President, I speak with some trepidation after the arguments made by the distinguished Senator from Texas [Mr. CONNALLY] and the distinguished junior Senator from Florida. I would not speak on this occasion were it not for the precedents involved in this matter and my familiarity with them.

This is no new question in the Senate, Mr. President. It has been before this body on numerous other occasions. I happen to recall that in 1943 there was pending before the Senate the agricultural appropriation bill. As the chairman of the Subcommittee on Agricultural Appropriations, I was entrusted with the responsibility of handling that bill on the floor. I have just glanced briefly through the RECORD of the debate which then took place and of the points of order which were made at that time, and the parallel between the two cases is very striking. The Senator from Ohio [Mr. TAFT] has not changed his mind. He made exactly the same argument in 1943 that he has made upon the floor of the Senate today with respect to legislation on an appropriation bill.

The Senate on that occasion sustained the ruling of the Chair by a vote of 54 to 23, after discussion of the rules which covered one whole day's time.

Mr. President, with all due deference to those who have spoken on subdivision 4 of rule XVI, it very clearly covers two separate and distinct situations. The first sentence of the rule, which the Senator from Texas emphasized so eloquently, and with such force, provides that "no amendment which proposes general legislation shall be received to any general appropriation bill." That language is tied in with the argument that was made by the Senator from Illinois about the two-thirds rule. If a general appropriation bill comes before this body with no legislation in it, any amendment offered that contains any legislation falls under the inhibitions of the first sentence of subdivision 4 of rule XVI. It is subject to a point of order. The Chair would sustain it.

The only way the Senate can possibly consider it is on a motion to suspend the rule, which requires a two-thirds vote, that is, if legislative matters are offered de novo in the Senate of the United States. But if legislation be found in the bill which comes to the Senate from the House of Representatives, the first line of the rule, relating to general legislation and making it subject to a ruling of the Chair which would strike it down, and therefore require the operation of the two-thirds rule, does not apply. If there is legislation in the bill as it comes from the House, then the sole question that confronts the Senate of the United States when an effort is made to amend the House provision, is, first: "Has the House legislated in this bill?" Second: "Is the amendment which is offered in the Senate germane to the House legislative provision?"

Mr. President, no one would contend that the House has not legislated in this bill, not merely in small degree; but the House of Representatives sent this bill to the Senate shot through and through with legislative provisions. As a matter of fact, the greater part of the bill is purely legislative. It comes to us in that condition.

Now what are the Senate's rights in the matter? Can we not even offer any legislative amendment to the bill?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. That is the very point that interests me. Does not the Senate have the right to strike all the language of the bill as it comes from the House?

Mr. RUSSELL. Yes.

Mr. FULBRIGHT. Can we not strike the whole bill and rewrite it?

Mr. RUSSELL. Of course, we can. If the Senate merely wishes to say, "We are going to content ourselves with taking out legislative provisions that the House has put in," we could do it. The committee could do it if sustained by the Senate. But sometimes it is highly desirable to have some legislation in an appropriation bill, and it happens in this case that some of these provisions are of tremendous importance to the ECA.

Mr. FULBRIGHT. Why were they not placed in legislation which was recently considered on that subject?

Mr. RUSSELL. I cannot answer that question.

Mr. FULBRIGHT. The purpose of the rule is to have legislation placed in a legislative bill, rather than in an appropriation bill.

Mr. RUSSELL. Yes, but without legislation in this bill the ECA would be terribly handicapped. The House went so far as to legislate and say that the whole $3,568,000,000 could be spent over a period of ten and a half months. It is purely legislation. It repeals laws that require the appropriations to be apportioned over a period of 12 months. It says the funds can be spent in ten months.

Mr. FULBRIGHT. Mr. President, if the Senator is correct, it seems to me we might as well eliminate the Foreign Relations Committee and set aside all that it has reported to us.

Mr. RUSSELL. Mr. President, I hope the Senator from Arkansas does not take anything I have said as a reflection on the Foreign Relations Committee. If there is any reflection on that committee, the Senator from Arkansas makes it himself, because he is saying that these things should have been provided for in the authorization for the ECA.

I am saying that the Economic Cooperation Administration, after examining all the administrative provisions enacted for its guidance, found they were insufficient, and went to the House of Representatives and requested these legislative provisions, and the House placed them in the bill. Whether they should have been handled by some committee other than the Appropriations Committee, I shall not undertake to discuss. But they now are before us in an appropriation bill.

Mr. FULBRIGHT. Of course, I do not wish to cast any reflection upon either committee. However, the logical result of the argument that there is no limit upon this power is certainly that it does away with the necessity for any legislative committee in this connection.

Mr. RUSSELL. Mr. President, I would be the last to argue that there is no limit on the power. Without a rule in the House of Representatives, a point of order would have stripped the bill of all these provisions.

I am not too familiar with the rules and practices of the House of Representatives, but I understand that if the House Committee on Rules gives a rule that is not subject to points of order, then a point of order cannot be made. Undoubtedly that was done in this case.

But whatever the reasons, the bill comes before the Senate with these legislative provisions. They were not stricken out in the House of Representatives on a point of order; and after they have passed the House, I do not believe a point of order can be raised against them in the Senate, because this matter comes to us from the other body, and we undertake to respect the rights of the other body.

So, whether they are for good or for evil, the legislative provisions are here. They were inserted by the House.

As I have understood the matter, we have only two things to decide. The first is whether these provisions are legislation. The other is whether the amendment offered by the Senator from Arkansas is germane to the legislative provisions which came to us in the bill as passed by the House. That matter might be debated.

I do not like again to undertake to canvass this entire subject and to show where these provisions are germane, after the Senate by vote has already determined that they are germane. I thought they were germane, and for that reason I supported the amendment.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. Yes, if the Senator will indulge me for a moment further.

In supporting the proposition that the amendment is germane, no Senator is committed to vote for the amendment. The distinguished Senator from Virginia, who voted that the amendment was germane, suggests that he will oppose the amendment, and I am glad to state that he opposed it most vigorously in the committee.

Now I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, since I think the Senate has taken a very bad step in ruling that this amendment is germane, will the Senator tell me in what way he considers it germane?

Mr. RUSSELL. I shall be glad to do so. I think the Senate should have some leeway in determining the germaneness of matters sent to it by the House of Representatives in an appropriation bill. According to the House provision, $3,568,470,000 can be exchanged by the Administrator, without regard to section 3651 of the Revised Statutes, to pay out of these funds any losses incurred by the exchange. There is no legislative restriction on it. That is a legislative matter relating to the entire appropriation. It gives the Administrator new powers, by legislation in an appropriation bill, powers that are not mentioned in the authorization bill for the ECA.

Mr. McKELLAR. Or anywhere else.

Mr. RUSSELL. It is neither in the ECA law or in any other law. But insofar as this act is concerned, it specifically repeals any other law, and of course that makes it legislation, entirely apart from the funds covered by this bill.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BREWSTER. I shall not make an argument about the amendment and the rule as applied to the amendment, inasmuch as very many wise men, Members of the Senate, have spoken about this matter. However, I have been impressed with the suggestion that this would confer an enormous and very dangerous power on the Senate because the Senate might determine the matter in almost any way it chose, and then Government might be in pandemonium.

In this connection, I should like to repeat some words of the late Senator Walsh, of Montana, whom I am sure all of us respect and honor. With regard to the question of legislation, he said:

> If a power is to be denied because it may be abused, government must cease.

It seems to me that has a certain relevancy here, when it is charged that if this power is lodged in the Senate, the power may be abused. Obviously the power must be lodged in men, and obviously men may abuse the powers given them. But if for that reason the power is to be denied, then government must cease.

It seems to me we must consider that point when we determine whether to sustain the ruling made by the Chair and when we consider the question of whether this power should be lodged in the Members of the Senate of the United States.

Mr. RUSSELL. Mr. President, I thank the Senator from Maine for his contribution.

The other provision of this bill which writes entirely new legislation, which undertakes to earmark a part of the specific appropriation to which the committee amendment relates, is the House provision setting up $500,000 of this fund for—

> Expenditures of a confidential character * * * under the direction of the Administrator or the Deputy Administrator, who shall make a certificate of the amount of such expenditure which he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the amount therein specified.

Mr. President, every line and every word I have just read is legislation. It is not to be found in the original ECA Act. It takes from this same fund $500,000 and earmarks it for a specific purpose, and it does so by means of bald legislation.

I think it could be argued with great force that the amendment proposed in the committee by the Senator from Arkansas is not legislation because it is a limitation upon an appropriation in a very strong sense of the word. In debating the question of the propriety of the Chair's ruling, I do not wish to be put into the position of conceding that the amendment is legislation in the first instance, because it merely limits a part of the funds provided under the budget estimates. I do not think it was legislation in the first instance; but, of course, for the purpose of this argument and this debate, I have to concede the point the Senator has made, namely, that it is legislation.

Mr. President, as I have said, this rule relates to several entirely separate propositions. One of them is where legislation is offered de novo. The second and third lines on this page relate to amendments which are offered as legislation, and the question is whether they are germane.

Mr. LONG. Mr. President, will the Senator yield at this point?

Mr. RUSSELL. I yield.

Mr. LONG. Does the Senator from Georgia see any germaneness between the amendment the committee has here offered and the legislation which was inserted in the bill by the House of Representatives?

Mr. RUSSELL. Of course, Mr. President, I understood the argument made by the distinguished Senator from Florida, who took the position that inasmuch as the House has legislated in regard to the $500,000, which has been earmarked for confidential purposes, we are confined in our deliberations, as a coequal body in the Congress of the United States, to dealing with the same matter which the House wrote into the measure. However, I shall never concede that the Senate is so circumscribed in its power.

Mr. LONG. Is it not true that although we are not limited, yet we must act within the limitations of our own rule which says we must vote to sustain a point of order as to legislation on an appropriation bill?

Mr. RUSSELL. Of course, Mr. President, the question of germaneness is something which every Senator must pass upon for himself, subject to the dictates of his own wisdom and his own conscience.

In my judgment, this amendment is germane because there are in the bill as passed by the House two legislative provisions which directly affect and control the expenditure of this part of the appropriation. The Senate provision likewise would influence and control the expenditure of this part.

If I may continue for a few moments, let me say there are some Members of the Senate who still recall the services of the former distinguished Senator La Follette, of Wisconsin. In my judgment, a finer parliamentarian than the distinguished Senator La Follette never served in this body.

When this identical issue was previously before the Senate, as appears on page 5546 of the CONGRESSIONAL RECORD of June 9, 1943, Senator La Follette discussed this matter at some length. After urging the Senators to dissociate themselves from the mere merits of the amendment involved, and to make their decision on the appeal from the decision of the Chair on the parliamentary situation which was presented to the Senate, he said:

> The issue at stake is the question of whether or not the Senate shall maintain its unbroken precedents holding that it has the right to explore any field of general legislation which the House of Representatives may have entered. That, Mr. President, is a vital question; it is a question of great, extreme

importance as affecting the power of the Senate.

Senator La Follette argued the matter at some length, saying that where the House of Representatives had legislated the Senate had the power to invade that field. He did not say the Senate had to work the exact row that was hoed by the House of Representatives, but he said the Senate had the power to invade the entire field.

Mr. President, the House of Representatives has dealt with two matters which vitally affect the expenditure of these funds; and I insist that under the rules the Senate has a right to deal with the expenditure of the funds, and that the decision of the Senate in declaring the amendment to be germane should be adhered to.

Of course, Mr. President, the question of the decision as to the germaneness of this amendment to legislation already in the bill places the distinguished President of the Senate in a position where the only ruling he could possibly make, as he has properly done, was to the effect that the question of whether it is legislation has now nothing to do with it.

The question was never raised, or was never seriously argued, that the House did not legislate in the bill. That is generally conceded. That led to one issue in regard to the amendment, as to whether it was germane. I may say to the distinguished Vice President, it so happens that in 1943 almost the same issue arose as to whether the proponents of an amendment could insist that it was germane to a provision of the House bill, and the parliamentary rulings and the discussion of the subject cover some 40 or 50 pages of the CONGRESSIONAL RECORD.

We should, Mr. President, as was said by the Senator from Wisconsin on that occasion, forget our personal prejudices and vote in conformity with the precedents of the Senate, and vote to sustain the right of the Senate as a coequal body in our scheme of Government to deal with these matters to the same degree the House has dealt with them.

Mr. LONG. Mr. President, it occurs to me, so far as the Senate being a coequal body with the House is concerned, we can simply change our method as to how we shall handle appropriation bills and have no limitation so far as the two-thirds requirement is concerned. We have that right, but we have not chosen to exercise it.

Mr. RUSSELL. Of course, the two-thirds rule was never intended to apply to conditions as they are today. The two-thirds rule was written specifically to permit the Senate, if it wished, in derogation of its own rules, to insert legislation in a general appropriation bill. It has no relation whatever to such a situation as confronts the Senate at this time.

Mr. President, some Members have spoken somewhat disparagingly of the efforts of the Committee on Appropriations. I have been a member of that committee for something like 16 years. I have found that when the Appropriations Committee agrees with a Senator, it is a very fine committee. If it happens to take any action contrary to the views of the individual Senator, the committee is most likely to be roundly abused for arrogating to itself such broad power. The Senate Appropriations Committee is said to be undertaking to set the policy of the Government of the United States, in cases where the action of the committee happens to be contrary to the opinion of the individual Senator. But I merely want to point out, Mr. President, that the Senate Appropriations Committee is a creature of the Senate, just as is every other committee of this body. The Senate Appropriations Committee can write no law. It cannot even appropriate any funds. It comes back to the Senate of the United States, and every action taken by the committee must be reviewed on the floor of this body. As to whether the committee has acted wrongly or rightly is a question to be worked out under the rules of the Senate, just as the action of any other committee is to be reviewed by the Senate of the United States.

True, indeed, there are special rules that apply to the Committee on Appropriations, rules which limit and restrict the committee much more than in the case of any other committee of the Senate, and properly so, because standing committees should preserve their powers and prerogatives. After all, the Senate Appropriations Committee can do nothing without the approval of a majority of the Members of this body.

Mr. STENNIS. Mr. President, will the Senator yield for a moment at that point?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. RUSSELL. I yield.

Mr. STENNIS. I am very much interested in what the Senator is saying. Unfortunately I have been called out of the Chamber once or twice. As I understand, the Senator makes a very decided distinction between legislation de novo in the Senate side of the Capitol, and a situation in which we have legislation coming from the House.

Mr. RUSSELL. No, Mr. President; I only emphasize the distinction. The distinction has been made in the Senate since its earliest days, since the infancy of the Republic, and I doubt not that the Parliamentarian of the Senate could show the distinguished Senator from Mississippi innumerable cases which confirm every word I said, that rule XVI applies to two propositions, and applies to them separately. It applies in one instance to legislation de novo and in another to amendments which are offered to legislative provisions coming from the House.

Mr. STENNIS. That is the point I want to make. Of course the Senator from Georgia can see that point clearly, and he makes a strong argument. But the Senator does have an unbroken line of precedents sustaining his position, does he not?

Mr. RUSSELL. There is no question about that. I read the language of Senator La Follette for the purpose of emphasis, and I point out that on the same occasion, June 9, 1943, the Senate made identically the same exception, distinguishing between an amendment to a legislative provision in a House bill, and a general legislative proposition. It is very clear.

Mr. STENNIS. I wish to thank the Senator.

Mr. RUSSELL. Mr. President, I wish now to address myself very briefly to another suggestion which has been made here. Senators have said the ruling of the Chair sets a terrible precedent, and they look over to those of us who happen to hail from the southern part of the United States, who are opposed to some of the so-called civil-rights legislation. They intimate that it will be used as a precedent to pass all the civil-rights legislation on appropriation bills. Mr. President, I intend to express my views as a Senator. I feel impelled to do so without regard to the consequences, and I do not yield very readily to such implied threats as are carried in that suggestion. Of course the majority of the Senate of the United States in the last analysis can do whatever it wants to do. If a majority of the Senate were so corrupt, so devoid of any sense of honor or any instinct of patriotism as to desire to do so, they could fraudulently change the records of the Senate and make it appear that an amendment to the Constitution of the United States had been submitted to the States without the required two-thirds vote. Why undertake to frighten people with that argument, Mr. President? If the Chair ruled that a measure of the character referred to was legislation and should not be received as an addition to the appropriation bill, the majority of this body of course, if it were so devoid of conscience or reason or of principle or of the instincts of manhood, could override the decision of the Chair and by a simple majority could append such legislation to a general appropriation bill or to any other bill. There is no rule of germaneness that affects other legislation, and so amendments could be offered to them without even raising the point, if Senators saw fit to stoop to such depths as that, to take such unconscionable action as that, and to be guilty of conduct that would be so unworthy of one privileged to sit as a Senator in this Hall.

Mr. President, in my view, the ruling of the Chair was eminently correct, and if the Senate sees fit to overrule the decision of the Chair, it is reversing all the precedents of this body since the time of the writing of the Manual by Thomas Jefferson. There has always been a distinction between legislation offered in the first instance to an appropriation bill and legislation offered to amend legislation that is already contained in a House bill.

Of course, we have no rule of relevancy as to legislative measures that are reported by other committees. The opinion of the Chair should be sustained. If I were to venture into the realm of fancy I could imagine the Chair disliked very much to make the ruling he made, because he indicated by some of his gestures and by his words and by little mannerisms, which is about as far as the Vice President can go in expressing his opinion, that he would have liked very

much to be rid of this particular amendment. But he has done his duty as he saw it. He has made this ruling, based upon parliamentary law and the precedents of the Senate. Without regard to our views on the instant amendment, or its merits, as a parliamentary matter, it is the duty of the Senate to sustain the ruling of the Chair.

Mr. FERGUSON. Mr. President, if this matter were not so important to the Senate, in the opinion of the Senator from Michigan, he would not rise to address the Senate. But the precedents of the Senate are important. I have said on this floor before that the Senate can deliberately set aside its precedents if it desires to do so. That is the province of the Senate, and I think it is well that it is so. But I believe we ought to weigh well what we are doing.

I have great difficulty in following the ruling of the Chair, based on the words of the fourth paragraph of rule XVI, that the vote on the question of germaneness settled the question of the amendment being general legislation. In my opinion a reading of paragraph four of rule XVI will not sustain the ruling of the Chair. But I made a deeper search to ascertain whether there were some precedents which in effect amended and added to rule XVI, paragraph 4, and I believe that I find that to be the case. It has been said that all amendments proposing general legislation on an appropriation bill must have a two-thirds vote in order to be adopted. A reading of rule XVI, paragraph 4, discloses no such requirement. It is only by virtue of a precedent, which is read into rule XVI, that a two-thirds vote is required.

There is no mention, for instance, in rule XL, that a two-thirds vote is required. It would be well to read the rule, because these questions arise in the Senate from time to time:

Rule XL. No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on 1 day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, rule XII.

So there is no two-thirds vote requirement by virtue of rule XVI. It is only by virtue of the precedents of the Senate that a two-thirds vote is required to suspend a rule. So I take for granted that if we are going to say that the two-thirds vote rule is involate, we should be very careful to see that no other precedent of equal dignity and importance, or which is equal in age, should be set aside. Why do I say that? Because I find that in 1936 this very question was before the Senate of the United States. I think we should go back and see what was ruled in 1936. I think we should be careful in the Senate to vote on merit rather than through emotion. It is not how I feel about the amendment offered by the Senator from Arkansas that is important. I may feel that I should vote against it when it comes up. I may feel that I would rather have it so that a two-thirds rule would be required to defeat it, because that would be on the side on which I wanted to vote, and therefore my vote would be more important in defeating it under a two-thirds vote requirement. But, Mr. President, we are dealing here with precedents of the Senate, and I say that if we deliberately overrule what the Chair had decided, we are doing the same thing we would do if we were to overrule him when he said a two-thirds vote was necessary, because precedents are involved other than the written rules of the Senate.

So, Mr. President, I want to go back and see what happened in 1936:

On May 29, 1936, the Senate had under consideration H. R. 12624, a deficiency appropriation bill, and the question was on agreeing to a reported amendment inserting a provision that no Federal project should be undertaken or prosecuted with funds provided in the bill unless and until an amount sufficient for its completion had been allocated and set aside therefor, and the President was authorized to restore to the Federal Administrator of Public Works out of the funds appropriated in said bill any sums which were, by order of the President, impounded or transferred to the Federal Emergency Relief Administration from appropriations theretofore made and allocated to public-works projects.

Mr. Robinson of Arkansas——

A predecessor of the able Senators from Arkansas—

proposed an amendment providing for the appointment of two boards—(1) the Florida Canal Board, and (2) the Passamaquoddy Board, which should review, respectively, the Atlantic-Gulf ship-canal project, Florida, and the Passamaquoddy tidal-power project, Maine; and prescribing certain duties of the said boards.

Mr. Adams made the point of order that the amendment proposed general legislation, that it was not germane to the reported amendment, and that it was therefore not in order.

Mr. Clark made the point of order that the amendment was general legislation, and under rule XVI, was not in order.

The Presiding Officer (Mr. Hatch) overruled the point of order made by Mr. Clark, from which ruling Mr. Clark took an appeal.

After a quorum call, the Presiding Officer made the following statement:

"The Senator from Missouri [Mr. Clark] made the point of order that the committee amendment amounted to general legislation. The Chair overruled the point of order made by the Senator from Missouri because title II"—

That is the whole title of this appropriation bill—

"because title II of the bill as it came from the House of Representatives contained many matters of general legislation, and in such a case the rule laid down by Vice President Marshall is stated thus"—

Here is where we get the precedent. It is stated by Vice President Marshall. I have checked with the Parliamentarian and he tells me there are many other precedents to the same effect, or I would not be here quoting only one precedent. I quote the rule as stated by Vice President Marshall:

" 'Notwithstanding the rule of the Senate to the effect that general legislation may not be attached to an appropriation bill, still when the House of Representatives opens the door and proceeds to enter upon a field of general legislation which has to do with a subject of this character, the Chair is going to rule—but, of course, the Senate can reverse the ruling of the Chair—that the House having opened the door, the Senate of the United States can walk in through the door and pursue the field.' "

It appears to the junior Senator from Michigan that that is a precedent, based on other and prior precedents, which is in accordance with what the Chair has ruled today. No; it is not in rule XVI, section 4; neither is the two-thirds rule to which I have referred, in relation to voting on general legislation.

What happened there is just about what is happening here. I read further:

In view of that ruling, the Chair announced that the point of order made by the Senator from Missouri was overruled. From the ruling of the Chair the Senator from Missouri has appealed to the Senate.

That is what the Chair has done today. He has overruled the point of order, saying that it is not general legislation because it applies to legislation in the House bill.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. TAFT. I did not understand the Chair to say that. He said that, in his opinion, it was general legislation, but because the Senate had voted it was a germane provision, he would overrule the point of order of the Senator from Illinois. He did not put it on the ground that the House had opened the matter. The whole basis was on the fact that the Senate had voted it was a germane amendment, which to my mind, has nothing whatever to do with the question of whether the House put legislation into an appropriation bill or did not put it in, or whether it is general legislation or is not general legislation.

Mr. FERGUSON. I hope I have not misquoted the Vice President; but if I have misquoted him, I will go back to what he ruled. After all, we have become accustomed to following rulings rather than just what was said in connection with the ruling.

I take it that what happened this morning happened in the case to which I have been referring. I read:

In view of that ruling, the Chair announced that the point of order made by the Senator from Missouri was overruled. From the ruling of the Chair the Senator from Missouri has appealed to the Senate.

That is what is being done here today.

The decision of the Chair was sustained: Yeas 53, nays 19.

In regard to the point of order made by Mr. Adams against Mr. Robinson's amendment, the Vice President stated that, under the rule, the Chair did not have the right to determine the germaneness of an amendment, and thereupon submitted this question to the Senate, which decided the amendment was germane: Yeas 53, nays 21.

That will be found, Mr. President, in the Senate Journal, Seventy-fourth Congress, second session, page 333.

So I say to the Senate that we have before us a rule which has been varied and changed by precedent—or let me say that the precedent existed even with the adoption of the rule, and it has been followed since the adoption of the rule. So we find ourselves with a rule which appears to be that if an amendment is to House legislation—and that is what

the Chair has ruled—then it does not require a two-thirds vote, but merely a majority vote.

Mr. President, as I said before, we always find some jealousy in the Senate on the part of one committee as against another. We hear the Appropriations Committee criticised because it is trying to take over the jurisdiction of the entire Senate. Being a member of the Senate Appropriations Committee, let me say that not only do we not take over the jurisdiction of other committees of the Senate, but the other committees authorize appropriations before we can even vote on them.

Do other committees ever seek to take away the power of the Committee on Appropriations? Let me cite one example of which I spoke yesterday. Last May a committee, not the Appropriations Committee, authorized Mr. Hoffman to use a billion dollars borrowed from the Reconstruction Finance Corporation. That was to all intents and purposes appropriating a billion dollars, because what could the Committee on Appropriations do when it came before it? Certainly we always find that one committee will take some jurisdiction, or think it is taking some jurisdiction, from other committees. But, after all, the Senate does not have to accept what the committees do. The Senate makes the laws by its votes, rather than from a consideration of whether a matter came from a committee unanimously or by a vote of just one majority. A committee does not make legislation because it reports a bill unanimously. The Senate must vote.

As I said, Mr. President, when I rose, I believe it is very vital whether or not we are to follow precedents, or are to vote to set them aside, and from today on feel that we have a new precedent, to the effect that in case the House does legislate we in the Committee on Appropriations cannot hold hearings and vary a bill so as to come before the Senate with an amendment and have it acted on under the two-thirds rule. As I said before, I believe that the two-thirds rule is more sacred than the precedents which we are discussing here today, that the Committee on Appropriations has a right to amend an appropriation that comes from the House in an appropriation bill, and the Senate has a right to vote on it.

Mr. LONG. Mr. President, I wish to say only a few words on the subject before the Senate. Frankly, I believe I can speak without prejudice on it, because I am in favor of the substance of the amendment which we are considering. If the amendment of the Senator from Arkansas comes up for a vote, I propose to vote for it. I believe it is a good amendment. But we are to decide what the rules mean, and I am attempting to decide on what I believe the rules mean to me.

As I read rule XVI, subsection 4, I find that it provides:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

At that point there is a comma, and for the purpose of that part of the rule I believe we could stop right there, because everything else deals with germane amendments to appropriation bills, involving the question whether an amendment is germane or not, dealing with matters which are not legislation on an appropriation bill. We could stop right there.

> No amendment which proposes general legislation shall be received to any general appropriation bill.

If we assume for one moment that the amendment of the Senator from Arkansas is legislation of this character, then we immediately have to concede that it shall not be received to an appropriation bill, under the rule. From there on we go into the subject of germaneness, and in that connection I wish to say that I believe that the matter of germaneness is an entirely different proposition from the question of whether it is legislative.

Then the rule proceeds:

> Nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

Mr. President, that is very plain. One may desire to amend an appropriation bill, not in a legislative matter, but may want to modify the manner in which the money is to be allocated or may want to change the amount.

If the amendment is not legislation, it must necessarily be germane, otherwise it could not be received.

From that point the rule proceeds:

> Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Let us look at that clause again:

> Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Here we come to a situation which in my opinion is before us now. We have an amendment which is legislative in character. It is amending a section in which the House has already inserted general legislation. Let us see what the rule says:

> Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

We are amending a bill which the House has passed. What is the relationship between the amendment we are proposing and any legislative matter which the House is proposing? I see no relationship whatsoever so far as those such items are concerned. Therefore, Mr. President, I am constrained to believe that this amendment is legislation, and that the legislation is not germane to the legislation proposed by the House in this appropriation bill. Under this rule I believe we are permitted to modify and amend legislative amendments proposed by the House insofar as our legislative amendments are germane to the House amendments, but not to the extent that our amendments may be germane to any appropriations item in an entire general appropriations bill. Otherwise the Appropriations Committee, could completely take over the functions of the Armed Services Committee, for example, if the House inserted one minor legislative amendment in a general appropriations bill for all the armed forces.

I cannot reach the conclusion that this amendment is not legislative or that it is germane to any legislative provision in the bill to which my attention has been directed. It is true that this is a bill appropriating money for the European recovery program. The House legislative amendments do relate to the European recovery program which we propose to amend. But, we are now offered legislative amendments which although germane to the general appropriation bill are not related to the legislative amendments inserted by the House. Therefore, it would seem to me that the amendment is in violation of our rules, and that it is not germane to the legislation which has been inserted in the bill—and I am thinking of House provisions which are legislative in character. On the other hand, the committee amendment is legislation. So it would appear to me that it is absolutely in violation of the rules.

We have the right to suspend the Senate rules, we have the right to change them, and we have the right to insert new matter if we see fit, but it seems to me that we need a two-thirds majority to suspend the rules in order to insert such legislation as is proposed.

The VICE PRESIDENT. The question is on the appeal of the Senator from Ohio [Mr. TAFT] from the decision of the Chair.

Mr. McKELLAR. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hickenlooper	Morse
Anderson	Hill	Mundt
Baldwin	Hoey	Murray
Brewster	Holland	Myers
Bricker	Hunt	Neely
Bridges	Ives	O'Conor
Butler	Jenner	O'Mahoney
Byrd	Johnson, Colo.	Pepper
Cain	Johnson, Tex.	Robertson
Capehart	Johnston, S. C.	Russell
Chapman	Kefauver	Saltonstall
Connally	Kem	Schoeppel
Cordon	Kerr	Smith, Maine
Donnell	Kilgore	Sparkman
Douglas	Knowland	Stennis
Downey	Langer	Taft
Dulles	Lodge	Taylor
Ecton	Long	Thomas, Okla.
Ellender	Lucas	Thomas, Utah
Ferguson	McCarran	Thye
Flanders	McCarthy	Tobey
Frear	McClellan	Tydings
Fulbright	McGrath	Vandenberg
George	McKellar	Watkins
Gillette	McMahon	Wherry
Graham	Magnuson	Wiley
Green	Martin	Williams
Gurney	Maybank	Withers
Hayden	Miller	Young
Hendrickson	Millikin	

The question is on the appeal of the Senator from Ohio [Mr. TAFT] from the decision of the Chair overruling the point of order made by the Senator from Illinois [Mr. LUCAS].

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CORDON. Mr. President, I am not going to delay the Senate for more than a moment or so. I should like to call attention to exactly what the Senate is doing when it votes on the appeal. Preliminary thereto I wish to address a parliamentary inquiry to the Chair.

The VICE PRESIDENT. The Senator will state it.

Mr. CORDON. If by the vote on the appeal the Chair is overruled in his position, then the effect of that vote will be to sustain the point of order made by the majority leader, and the decision of the Senate will have been that the so-called McClellan amendment is general legislation, and subject to the point of order?

The VICE PRESIDENT. If the decision of the Chair is overruled by the Senate, it will be equivalent to holding that the Chair was wrong in deciding that the point of order was not well taken and in overruling the point of order.

Mr. CORDON. And in that event the effect will be that the Senate has said that the amendment is legislation in an appropriation bill, and must come out of the bill, or go to a vote after two-thirds of the Senators present have set aside the rule?

The VICE PRESIDENT. The Chair thinks that that is substantially the effect of the vote of the Senate to overrule the decision of the Chair.

Mr. CORDON. Mr. President, as I have heard the argument on appeal, it is addressed not to the question of whether the amendment is legislation, but as to the correctness of the Chair's ruling on what is really a question of what application we shall make as to the provisions of paragraph 4 of rule XVI, which, first, prohibit general legislation as an amendment to an appropriation bill, and, second, legislation which is not germane to the bill.

Frankly, in my view, the Chair was wrong in his reasoning, if I may be so bold as to make the statement. But as to his decision the Chair was correct.

I call attention to the fact that the action taken in overruling the decision of the chair is a finding that the McClellan amendment is generally legislation on an appropriation bill. That is wholly separate and apart and has nothing to do with the question of whether a decision of germaneness carries with it a prohibition against bringing up the question of whether the same amendment is general legislation. They are two separate questions. So I simply call the attention of the Members of the Senate to the fact that when they vote on the appeal they are voting on the substantive proposition of whether the McClellan amendment is or is not legislation.

I call attention, Mr. President, to paragraphs 2 and 4 of rule XVI, wherein there is a prohibition against any amendment in the nature of a restriction upon an appropriation, but that the prohibition goes only to such restriction when the restriction comes into effect only upon the happening of some contingency. There is no prohibition against a restriction on an appropriation when it is absolute. The McClellan amendment is a restriction upon the use of appropriated funds. There is no contingency. The McClellan amendment simply restricts a certain portion of the money to a special use, or to no use if it be not used for that purpose. That is as far as it goes. Under those circumstances I hope the Senate will sustain the Chair. For that reason, and without reference to any question whether germaneness forecloses the other question of legislation upon an appropriation bill, I think the decision of the Chair should be sustained.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. Am I correct in my understanding of the parliamentary situation that the question before the Senate is, Shall the decision of the Chair be sustained? A vote for sustaining the decision of the Chair is a "yea" vote, and a vote to overrule the decision of the Chair is a "nay" vote.

The VICE PRESIDENT. The Senator is correct.

In view of the importance of this vote, and the entire question, and without in any way arguing in behalf of his decision, the Chair feels that he ought to explain to the Senate what it is he decided.

Under the rule the question of germaneness may be brought up with respect to an amendment which does not contain legislation. The question of germaneness can be brought up on any amendment, in which case it must be submitted to the Senate for a decision.

Surrounding this particular amendment there are two questions, the question of germaneness and the question whether it is legislation on an appropriation bill. The ruling of the Chair was based upon interpretations of rule XVI, paragraph 4, over a period of years, which have modified the rule, just as decisions of courts modify statutes in many cases by interpretation.

At the time the Senate voted on the question of germaneness, the Chair felt that it was voting whether, notwithstanding the quality of the amendment as legislation, it was nevertheless germane and therefore in order. In a sense it was a sort of double-barreled vote—that it was germane, but legislation, apparently amending other legislative provisions of the bill. The Chair assumed that the Senate knew what it was doing when it voted that this amendment was germane, involving the question of legislation. That question having been passed upon by the vote of the Senate, the Senate recognizing the legislative character of the amendment, and having sustained its germaneness notwithstanding that character, the Chair therefore felt that subsequently a point of order on the ground that it was legislation did not lie. That was the basis of the Chair's decision.

The question is, Shall the ruling of the Chair stand as the judgment of the Senate? Senators who are in favor of sustaining the ruling of the Chair will vote "yea." Senators who are in favor of overruling the decision of the Chair will vote "nay."

The Secretary will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted "nay," when his name was called.

Mr. LONG. Mr. President, has it ever been decided that this amendment is actually general legislation?

The VICE PRESIDENT. The roll call is in progress. One Senator having voted, the question is not now open for discussion.

The roll call will proceed.

The legislative clerk resumed and concluded the calling of the roll.

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

The Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Arizona [Mr. MCFARLAND] are absent on public business.

Mr. SALTONSTALL. I announce that the Senator from Kansas [Mr. REED] is absent by leave of the Senate.

The Senator from New Jersey [Mr. SMITH] is absent because of illness. If present and voting, the Senator from New Jersey would vote "nay."

The Senator from Nevada [Mr. MALONE] is detained on official business.

The result was—yeas 38, nays 51, as follows:

YEAS—38

Baldwin	Hickenlooper	Millikin
Brewster	Hoey	Mundt
Bricker	Hunt	Robertson
Bridges	Jenner	Russell
Butler	Johnson, Colo.	Schoeppel
Cain	Johnston, S. C.	Smith, Maine
Capehart	Kem	Stennis
Chapman	McCarran	Thomas, Okla.
Cordon	McCarthy	Wherry
Ecton	McClellan	Wiley
Ellender	McKellar	Williams
Ferguson	Martin	Young
George	Maybank	

NAYS—51

Aiken	Hill	Murray
Anderson	Holland	Myers
Byrd	Ives	Neely
Connally	Johnson, Tex.	O'Conor
Donnell	Kefauver	O'Mahoney
Douglas	Kerr	Pepper
Downey	Kilgore	Saltonstall
Dulles	Knowland	Sparkman
Flanders	Langer	Taft
Frear	Lodge	Taylor
Fulbright	Long	Thomas, Utah
Gillette	Lucas	Thye
Graham	McGrath	Tobey
Green	McMahon	Tydings
Gurney	Magnuson	Vandenberg
Hayden	Miller	Watkins
Hendrickson	Morse	Withers

NOT VOTING—7

Chavez	McFarland	Smith, N. J.
Eastland	Malone	
Humphrey	Reed	

The VICE PRESIDENT. On this vote the yeas are 38, and the nays 51. So the ruling of the Chair does not stand as the judgment of the Senate.

Mr. LUCAS. Mr. President, I renew my point of order to the amendment on page 4, which I understand is the pending question. I make the point of order that it is legislation on a general appropriation bill.

The VICE PRESIDENT. The Senator from Illinois makes the point of order that the amendment referred to is legislation on an appropriation bill, and therefore in violation of rule XVI of the Senate rules.

Does the Senator from Illinois wish to discuss the point of order?

Mr. LUCAS. It has been discussed, Mr. President extensively. I am sure the Chair is thoroughly familiar with the language referred to and the issues involved. Not only is it legislation upon an appropriation bill, but it is also a limitation.

I make the point of order against it. There cannot be any question about it. The distinguished Senator from Arkansas gave notice, on July 12, that he

would move to suspend the rule, thereby recognizing, himself, that the provision is subject to a point of order.

The VICE PRESIDENT. Does the Senator from Arkansas wish to argue the point?

Mr. McCLELLAN. Mr. President, I merely wish to state that my filing of the notice that I would move to suspend the rule does not amount to conceding that I think the provision is subject to a point of order. In order to be prepared, under the rules, I had to file the notice one calendar day ahead, I believe. For that reason, I took the precaution of doing so, in order that the amendment might be brought up if the Chair so held.

Mr. President, I should like to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. Following this point of order, if it is sustained, are other points of order to the bill in order?

The VICE PRESIDENT. The Chair cannot pass on that question until some point of order is made.

Mr. McCLELLAN. Very well.

The VICE PRESIDENT. Under the circumstances, the Chair feels he is compelled to sustain the point of order which is made against this amendment on the ground that it is legislation on an appropriation bill.

Earlier in the day the Senate by its vote decided that the amendment was germane to some legislative provision of the bill, but the Chair is unable to determine to what provision of the bill it is germane. Therefore that point is out.

Undoubtedly this amendment is legislation to an appropriation bill. Whether it is legislation offered to some legislative provision inserted by the House of Representatives, the Chair is unable to determine. That is a matter which is subject to some confusion.

Therefore the Chair sustains the point of order.

The Chair will state that the giving of notice of intent to file a motion to suspend the rule is not binding insofar as constituting a determination of the status of the provision in question. The Chair does not regard it as binding on that matter at all.

Mr. McCLELLAN. Mr. President, I make the point of order that the provisions on page 4, lines 17 to 21, inclusive; on page 5, beginning with line 8, through line 20 on page 6; on page 8, beginning in line 22, and continuing through line 2 on page 9; on page 9, beginning in line 4 and continuing through line 7; on page 12, in lines 4 through line 10; on page 12, from line 22 through line 7 on page 13; in section 202, on page 14, beginning in line 16 and continuing to line 8 on page 15, are amendments which are legislation on a general appropriation bill. I make that point of order.

Mr. LUCAS. Mr. President, I thought we were reading the bill amendment by amendment. I now submit a point of order against the point of order the Senator from Arkansas has just made, namely, that we should proceed with the bill and the amendments in order and should determine whether the points of order which have been raised by the Senator from Arkansas are to be sustained by the Chair or by the Senate. I think all these points of order are premature at this time.

The VICE PRESIDENT. The Chair would hear argument as to this matter. Of course the Chair has not carefully studied all the amendments which are now alleged to be legislation on an appropriation bill. In order to sustain the point of order raised by the Senator from Arkansas, the Chair would have to hold that all or some of the amendments are legislation on an appropriation bill and are in violation of the rule.

Under the rule, the Chair thinks the Senator can make a point of order against the entire bill on the ground that it contains many legislative propositions, and the Chair believes it is not necessary to read the bill page by page or to reach the amendments one by one, because when the rule provides that a point of order may be made against an amendment which itself is legislation, it also says that a point of order may be made against a bill if it contains items of legislation in violation of the rule.

If these are not legislative matters, of course, the point of order would not lie. If they are legislative matters, the Chair would like to know wherein they are.

Mr. McCLELLAN. Very well. I call the attention of the Chair to the amendment on line—

Mr. LUCAS. Mr. President, if the Senator will yield, in order to expedite matters, I will agree with the Senator from Arkansas that all the amendments he has pointed out constitute legislation on an appropriation bill. At the proper time when the amendments are reached in order I am prepared to make points of order. There can be no question about these amendments being legislation upon an appropriation, or a limitation in some way, or asking for affirmative relief, as I remember one of them does, and so forth.

The VICE PRESIDENT. Does the Senator from Illinois agree with the Chair's view that where a general appropriation bill contains numerous amendments which are in violation of the rule against legislation, a point of order may be made, under the rule, against the whole bill, and that it automatically goes back to the Appropriations Committee?

Mr. LUCAS. I do not think there is any question under rule XVI that a point of order of that kind can be made. Mr. President, the point of order made at this time, whereby the bill goes back to the Appropriations Committee, merely delays action on the ECA bill. I presume the committee could now, if it so desired, strike all the amendments from the bill and make it comply with the rule if they wanted to do that, without sending it back. It is perfectly all right with me, whatever the Appropriations Committee desires to do along that line. We have wasted a good deal of time, at least 2 or 3 days, upon the bill. I can stay here as long as anybody else, but at some time or other action must be taken on the ECA appropriation bill. I think the Senate is ready to act upon it today, and to act upon these amendments. I am not attempting to tell the Appropriations Committee what it should do, of course, but I believe it is an unwise course to send this bill back in view of all the debate we have had upon it up to this time. It seems to me the sooner we can get through with it and get it to conference, the better off we will all be, because a number of other appropriation bills are pending, and I presume probably this same situation will arise again. The question of germaneness will arise, and before we get through we will probably have all the appropriation bills back with the Appropriations Committee. I am glad I am not on that committee, because on it devolves a tremendous amount of work. It is perfectly all right with me, if they want to go back to work again.

The VICE PRESIDENT. As the Chair suggested a day or two ago in a situation of this sort, heretofore where there was a threat that a bill would automatically be returned to the committee under the rule, the committee has withdrawn the offensive amendments and offered them one at a time as floor amendments. The Chair has no control over that. That has been done heretofore. But if it is not desirable that the committee do that in this case, there is only one course open to the Chair, and that is to sustain the point of order of the Senator from Arkansas, which automatically returns the bill to the committee.

Mr. LUCAS. That is what I had in mind a moment ago, when I said it would do that very thing, because the Chair did make that statement a few days ago.

Mr. President, this is a tremendously vital appropriation bill, and I had hoped the Appropriations Committee might do that very thing, so that the Senate could proceed with it, in view of the fact that we have reached this advanced stage in the consideration of the bill and the various amendments thereto.

The VICE PRESIDENT. The Chair is not undertaking to suggest to the committee, but in order that the parliamentary situation may be understood, the offering of the identical amendments individually one by one would not send the bill back to the committee, in the event the Chair sustained points of order against them.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Florida will state it.

Mr. PEPPER. Is it possible to send the bill back to the committee with directions of the Senate to delete the amendments which have been made the subject of a point of order by the Senator from Arkansas, and to report the bill again to the Senate?

The VICE PRESIDENT. No; the bill is already back in the committee, automatically, on the ruling by the Chair that it contains legislative provisions. No motion is in order, in the view of the Chair, at this time, to instruct the committee with respect to anything in the bill.

The Chair would like to state to the Senate that he regrets deeply the legislative and parliamentary procedure

which results in the position in which the ECA bill finds itself. But as the Chair views it, there was no other ruling he could make under the rules of the Senate, in view of the admission of both sides that the bill contains legislative provisions.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. LUCAS. Is the decision of the Chair subject to appeal?

The VICE PRESIDENT. The Chair supposes that all decisions are subject to appeal, but, where the rule is so obvious, so automatic, of course, if the Chair were overruled on it——

Mr. LUCAS. Mr. President, I am not going to take an appeal. I merely made the inquiry.

The VICE PRESIDENT. The Chair supposes that any ruling of the Chair, except one or two set out in the rules, not involved in this matter, is subject to appeal.

Mr. MAGNUSON subsequently said: Mr. President, I had intended to make some remarks on the amendment which has now been ruled out by the Chair. I ask unanimous consent to place those remarks in the RECORD.

The VICE PRESIDENT. Is there objection to the request?

There being no objection, Mr. MAGNUSON'S statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON IN OPPOSITION TO ECA AMENDMENT, FREEZING FUNDS FOR SURPLUS AGRICULTURAL PRODUCTS.

Mr. President, on pages 4 and 8 of the bill making appropriations for foreign aid for the fiscal year ending June 30, 1950, there appears the following committee amendment: "The amount required to finance the procurement of surplus agricultural products (declared surplus by the Secretary of Agriculture) of the kinds and in the quantities set out in the ECA budget justification submitted to the Senate, shall be available only for such financing."

I am reliably informed that the effect of this amendment would be to freeze approximately one billion dollars of ECA fund. This is accomplished in the amendment by requiring the Administrator to use approximately this amount to finance agricultural products declared surplus by the Secretary of Agriculture. The use of the funds would be restricted in amounts to those products set forth in the justfications ECA presented to the Senate Appropriation Committee. In these justifications, ECA listed under food and agricultural imports the following items: bread grains, fats and oils, sugar, meats, dairy products, other foods, coarse grains, protein feeds, fertilizer, cotton, wool, other fibers, tobacco, and other agricultural products. You will note there are three catch-all categories in this list: "other foods," "other fibers," and "other agricultural products." The justification indicates that ECA estimates purchases of these commodities in fiscal 1950 will total $1,874,000,000 and that of this amount $1,673,000,000 will be spent in the United States.

We know from past experience, Mr. President, that the products included in the ECA justification most likely to be in surplus are the following: wheat, corn, tobacco, and cotton. These are what we might call the Big Four products. In my judgment it will be very detrimental, not only to the ECA program, but to all other agricultural products to give cotton, tobacco, wheat, and corn the extremely preferential treatment implied in this amendment.

I recognize there is a growing sentiment in this country for congressional action which will serve as a directive to the ECA Administrator, forcing him to in turn force Marshall plan countries to buy in the United States whenever a domestic product is in surplus. To a considerable extent this sentiment is understandable. Taxpayers of this country are providing ECA dollars, out of their pockets, and have a right to expect that maximum attention be given domestic economic conditions and to the plight of any particular industry.

In the Pacific Northwest, for example, the lumber and horticultural industries are in urgent need of export outlets. They are hard hit by the world-wide dollar shortage. They justifiably look to ECA, not only for sympathetic treatment, but for positive action. To date they have been granted a sympathetic ear but little by way of positive results has been forthcoming.

The ECA Admiinstrator is a competent businessman, one of the best our free-enterprise system has produced. Like any good businessman, he is trying to obtain the maximum return for every dollar he spends. In this case he is buying European recovery with the taxpayers dollars made available to him. His efforts in this regard are laudable, but I believe he must give increasing attention to the problems of those American industries which have a historical reliance upon exports—industries which are contributing their share of the tax dollars the Administrator is spending for European recovery.

Senators know I have taken this floor on many occasions to present, as forcefully as I know how, the problems presently confronted by the horticultural industry of this country. Let me repeat just a few of the facts I have previously presented. Prewar the apple growers of the Pacific Northwest consciously and systematically developed foreign markets. The whole industry is geared to exports. Approximately 30 percent of the total apple production was purchased by countries now participating in the Marshall plan. Today the dollar shortage has closed those markets. The only opportunity the industry has to reenter them is through participation in ECA. Last year only $9,600,000 was spent by ECA for fruits, other than dried fruits. The justification presented to the Senate Appropriations Committee this year includes only $9,400,000 for these fruits. That $9,400,000 includes canned fruits, juice concentrates, and fresh fruits. This is a mere drop in the bucket compared to prewar exports.

Before the war, exports of United States horticultural products ranked first in all United States food exports and third in all agricultural exports. Exportation was exceeded only by cotton and tobacco. In fourth place came wheat and flour. From these facts, it is readily understandable why I feel compelled to oppose the amendment. The amendment would virtually foreclose any possibility of the horticultural industry reentering its foreign markets on a basis even approaching prewar levels.

This industry, which prewar ranked first on the list of all food exports, would be relegatsd to insignificant participation in the ECA program.

That the horticultural industry faces an extremely difficult problem has been recognized by ECA, Department of Agriculture, the Senate Appropriations Committee, and the Senate itself. Senators will recall that other Senators and I sponsored an amendment to this year's authorization act, directing the Secretary of Agriculture to determine surpluses of horticultural products by "types, classes, and specifications." The objective of this amendment was to give the Secretary authority to take cognizance of the fact that the industry over the years has developed varieties of apples and pears, for example, peculiarly suited for the export trade. By virtue of the amendment, the Secretary can find that a surplus of export varieties exists, even though the entire crop may not be in excess of domestic requirements.

By adopting this amendment, the Senate gave recognition to the somewhat unique position of this industry. Later the industry presented its problem to the Senate committee considering the agriculture appropriations bill. On page 13 of its report, the committee stated: "The committee recognizes the unique position and need of this industry, arising from the temporary loss of long standing export markets and the inability of the fruit grower to reduce production without destruction of trees and tragic loss of capital investment in packing and other facilities."

The lumbering and horticultural industries have urged other Senators and I to offer amendments to this bill which would earmark certain funds for purchase of their products or, as an alternative, to offer an amendment which would direct the Administrator to force ECA countries to purchase lumber and horticultural products in this country exclusively, whenever there is a surplus.

I have refrained from taking such action. First, because as I have said before, I believe the Administrator is a sensible competent business man. He knows American industry, and within the framework of existing legislation has authority to handle these problems administratively. The European recovery program is a highly complex venture. The Administrator must have flexibility if he is to do the job the Congress and the country want him to do. I serve notice here and now, however, that unless greater attention is given by ECA representatives abroad to our domestic problems, I shall be among those supporting legislation requiring them to do so.

Second, I have refrained from sponsoring such amendments at this time because I believe it inconsistent to oppose the amendment I read at the beginning of these remarks and simultaneously sponsor an amendment earmarking funds for some other product. I believe all segments of our great agricultural industry should be placed on an equal footing. All segments of the industry should have equal opportunity to present their case to the Administrator and he, in turn, to the countries which are beneficiaries of this great venture.

Before concluding I wish to call your attention to several other facets of the problem I have been discussing. The horticultural industry and, in fact, all industries relying on exports, view with great alarm the many bilateral agreements which have been, and are being, negotiated by nations participating in ERP. Unless this tendency is reversed some United States commodities, like fruit, may be permanently excluded from normal European markets.

I recognize, Mr. President, this problem goes beyond the jurisdiction of ECA. I believe, however, that the Administrator and his representatives abroad can do much to counteract it. Certainly the attempt should be made.

Today ECA is the dominating influence in international trade. Without participation in that program, reestablishment and further development of the horticultural industry's European outlets is impossible. The same is true of other segments of agriculture who consciously and systematically developed foreign markets in the prewar era. Congress recognized the truth of these statements by including section 112 in the Economic Cooperation Act itself. This section authorizes the Secretary of Agriculture to use section 32 funds to aid in the reestablishment of export markets for perennial

horticultural crops and others, which may be declared surplus to our need.

The Administrator, by cooperating with the secretary in such an export program, can obtain for participating countries agricultural commodities at 50 percent of total cost. For some reason ECA has not taken full advantage of this very attractive program. I believe much greater use can and should be made of section 112. Here is another instance where Congress has given the Administrator an effective tool to work with, a tool which should be placed in the kit of all of our ECA representatives abroad and used.

I think it would be appropriate for the conferees in their report to include language along the lines implied in these remarks—language which would serve as a guide to the Administrator, when he is attempting to determine congressional intent through study of the legislative history of this bill. I urge those Senators who will represent this body at the conference table to give serious consideration to this suggestion.

Mr. President, for the reasons stated in these remarks, I oppose the amendment which appears on pages 4 and 8 of the pending bill. Again I want to make it clear, however, that unless greater attention is given to the problems of domestic industries by the Administrator, his representatives abroad, and the countries participating in ERP, I shall be among those sponsoring legislation making such action mandatory.

MILITARY RENTAL HOUSING (S. 1184)—CONFERENCE REPORT

Mr. MAYBANK. Mr. President, I submit the conference report on the bill (S. 1184) to encourage construction of rental housing on or in areas adjacent to Army, Navy, Marine Corps, and Air Force installations, and for other purposes, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The clerk will read the report.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1184) to encourage construction of rental housing on or in areas adjacent to Army, Navy, Marine Corps, and Air Forces installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: ", except that where the Secretary of Defense or his designee in exceptional cases certifies and the Commissioner concurs in such certification that the needs would be better served by single-family detached dwelling units the mortgage may involve a principal obligation not to exceed $9,000 per family unit for such part of such property as may be attributable to such dwelling units"; and on page 18 of the Senate engrossed bill, line 22, after the word "defense", insert "or in the public interest"; and the House agree to the same.

BURNET R. MAYBANK,
JOHN SPARKMAN,
PAUL H. DOUGLAS,
RALPH E. FLANDERS,
HARRY P. CAIN,
Managers on the Part of the Senate.

BRENT SPENCE,
PAUL BROWN,
WRIGHT PATMAN,
MIKE MONRONEY,
JESSE P. WOLCOTT,
RALPH A. GAMBLE,
Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1184) to encourage construction of rental housing on or in areas adjacent to Army, Navy, Marine Corps, and Air Force installations, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4566) to revise, codify, and enact into law, title 14 of the United States Code, entitled "Coast Guard."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 142. An act excepting certain persons from the requirement of paying fees for certain census data;

H. R. 459. An act to authorize the payment of employees of the Bureau of Animal Industry for overtime duty performed at establishments which prepare virus, serum, toxin, or analogous products for use in the treatment of domestic animals;

H. R. 585. An act for the relief of Jacob A. Johnson;

H. R. 1127. An act for the relief of Sirkka Siiri Saarelainen;

H. R. 1303. An act for the relief of Dr. Elias Stavropoulos, his wife, and daughter;

H. R. 1360. An act to extend the times for commencing and completing the construction of a free bridge across the Rio Grande at or near Del Rio, Tex.;

H. P. 2417. An act to authorize the Secretary of the Air Force to operate and maintain a certain tract of land at Valparaiso, Fla., near Eglin Air Force Base, as a recreational facility;

H. R. 2474. An act for the relief of Frank E. Blanchard;

H. R. 2799. An act to amend the act entitled "An Act regulating the retent on contracts with the District of Columbia," approved March 31, 1906;

H. R. 2853. An act to authorize the Secretary of the Interior to issue duplicates of William Gerard's script certificates No. 2, subdivisions 11 and 12, to Blanche H. Weedon and Amos L. Harris, as trustees;

H. R. 3467. An act for the relief of Franz Eugene Laub;

H. R. 3512. An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, to authorize the exemption of certain employees of the Library of Congress and of the judicial branch of the Government whose employment is temporary or of uncertain duration;

H. R. 4022. An act to extend the time for commencing the construction of a toll bridge across the Rio Grande at or near Rio Grande City, Tex., to July 31, 1950;

H. R. 4261. An act authorizing the Secretary of the Interior to issue to L. J. Hand a patent in fee to certain lands in the State of Mississippi;

H. R. 4646. An act to authorize the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force to lend certain property to national veterans' organizations, and for other purposes;

H. R. 4705. An act to transfer the office of the probation officer of the United States District Court for the District of Columbia, the office of the Register of Wills for the District of Columbia, and the Commission on Mental Health, from the government of the District of Columbia to the Administrative Office of the United States Courts, for budgetary and administrative purposes;

H. R. 4804. An act to record the lawful admission to the United States for permanent residence of Karl Frederick Kucker;

H. R. 5508. An act to amend the Army and Air Force Vitalization and Retirement Equalization Act of 1948; and

H. J. Res. 170. Joint resolution designating June 14 of each year as Flag Day.

APPROPRIATION FOR INDEPENDENT OFFICES, 1950

Mr. O'MAHONEY. Mr. President, in view of the fact that the ECA appropriation bill has been, by the ruling of the Chair on the point of order, sent back to the Committee on Appropriations, I desire, if the Senator from Illinois will yield for that purpose, to move that the Senate proceed to the consideration of Calendar No. 639, which is House bill 4177, the independent offices bill for 1950.

The VICE PRESIDENT. The Chair will state that when the Senate took up consideration of the ECA appropriation bill, it temporarily laid aside the unfinished business, which was the minimum wage bill. A motion now to proceed to any other bill would automatically, if agreed to, set aside the unfinished business.

Mr. O'MAHONEY. Mr. President, I would not desire to do that, so that my request, if I may state it as a unanimous consent request, is that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 639, H. R. 4177, which is the appropriation bill for the executive offices and sundry civil offices.

The VICE PRESIDENT. Is there objection to the request?

Mr. WHERRY. Mr. President, reserving the right to object, the unfinished business is the so-called wages and hours bill, is it not?

The VICE PRESIDENT. It is the minimum wage bill. Is there objection to the request?

There being no objection, the Senate proceeded to consider the bill (H. R. 4177) making appropriations for the executive offices and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1950, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

The VICE PRESIDENT. Does the Senator from Wyoming wish the committee amendments considered first?

Mr. O'MAHONEY. Yes, Mr. President. I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WHERRY. Mr. President, if I may suggest to the Senator from Wyoming, copies of the bill have not been distributed. We should like to have them before us as we proceed with the committee amendments.

The VICE PRESIDENT. The clerks will submit copies of the bill to Senators.

Mr. WHERRY. I thank the Chair.

The PRESIDING OFFICER (Mr. HOEY in the chair). The clerk will proceed to state the committee amendments.

Mr. O MAHONEY. Mr. President, before that is done, I think I should acquaint the Senate with the fact that except for the appropriation bill for the National Military Establishment, the measure which the Senate is now considering carries the largest sum which has been reported in any other bill. Lest there should be any misunderstanding of the meaning of the size of the appropriation which is here reported, amounting to a little in excess of $7,636,000,000, or approximately one-fifth of the total budget submitted this year, I call to the attention of the Senate the fact that the items are largely war-connected expenditures of one kind or another. In other words, 80 percent of the appropriations contained in the bill deal in one way or another with the fact that we were in World War II and that we are now conducting national defense.

There is a very substantial appropriation for the veterans' services. There is another very substantial appropriation for atomic energy. There are numerous items in the bill which also deal with war-connected expenditures. Of the contract authorizations which are contained in the bill 100 percent have to do with defense or preparations for defense. The exact list is as follows:

For the American Battle Monuments Commission, $5,920,800.

For the Atomic Energy Commission, $702,930,769.

For the Displaced Persons Commission, $4,210,000.

The National Advisory Committee for Aeronautics, $53,710,000.

National Archives for World War II records, $150,000.

Philippine War Damage Commission, $184,800,000.

The Selective Service System, $9,000,000.

Veterans' Administration, $5,587,907,940.

If to those items there be added the appropriation of $66,575,474 for the Maritime Commission, in connection with new ships which are rated by their true carrying capacity, the total amount of war-connected expenditures in this bill is $6,615,204,983; and the contract authorizations for the American Battle Monuments Commission, the Atomic Energy Commission, the National Advisory Committee for Aeronautics, and, again, the Maritime Commission, total $452,189,628, making a 100-percent war-connected contract-authorization phase of the bill.

In addition to that, Mr. President, the bill covers 33 civilian agencies of the Government. Of the 33, 8 made no appeal to the Senate. Twenty-five of them did.

The Senate committee began its hearings on the 11th of May and was not able to report the bill to the Senate until July 8; so that practically 2 months were devoted by the subcommittee and the full committee to the consideration of this measure.

I thought, Mr. President, it was appropriate that this preliminary statement should be made with respect to the character of the bill.

I now ask that the committee amendments be considered.

The PRESIDING OFFICER. The clerk will state the first committee amendment.

The first amendment of the Committee on Appropriations was, under the heading "Title I—Executive Office of the President—Bureau of the Budget," on page 4, line 23, after the word "elsewhere", to strike out the comma and "including the salary of the Director at $12,000 per annum so long as the position is held by the present incumbent."

The amendment was agreed to.

The next amendment was on page 5, line 8, after "(28 U. S. C. 2672)", to strike out "$2,983,040", and insert "$3,314,500."

Mr. BRIDGES. Mr. President, in this bill it will be seen that there is a whole series of increases, most of which have to do with additional personnel in the various bureaus and departments. There may be some exceptions, but, by and large, in this country today, the last thing we need in most of the departments is additional personnel. For that reason, I think there is no doubt that the great majority of the departments could get by with their existing personnel. To start with, I think the Bureau of the Budget is one department which could do so. The bill increases the number of personnel in the Bureau of the Budget by 53 individuals, from 481 to 534 persons. For that reason, in a parliamentary sense, I express myself in opposition to the committee amendment and in favor of the retention of the House figure.

Mr. O'MAHONEY. Mr. President, let me say that I appreciate the position of the Senator from New Hampshire. The subcommittee and the committee as a whole scrutinized these various items with great care. Some requests for additions were granted and some were rejected. Those which were granted were granted upon the conviction on the part of the committee that it would be in the interest of good government efficiency and, I may say, economy, that the increases should be allowed. That is particularly true with respect to the pending committee amendment dealing with the Bureau of the Budget. The Bureau of the Budget has been clothed with new functions. The Congress, at this very session, has enacted the bill authorizing the President of the United States, upon the recommendation of the so-called Hoover Commission, to reorganize the Government by submitting reorganization plans to be considered by the Congress. It is well known that that work is under the direction of the Bureau of the Budget.

Mr. BRIDGES. Mr. President, am I to gather from what the Senator says that the purpose of the Hoover Commission's report is to add new personnel? I thought it was to promote efficiency and to reduce expenses.

Mr. O'MAHONEY. The Senator knows there was no such inference to be drawn from anything I said, but I do say to the Senator that the recommendations of the Hoover Commission cannot be effectively carried out unless the Bureau of the Budget is staffed so as to do the work. This is the first time in my experience as a member of the Committee on Appropriations that the Bureau of the Budget has made any request of the Senate committee. I assure the Senator that the subcommittee and the full committee felt that this increase was altogether justified.

Mr. WHERRY. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. WHERRY. I deeply appreciate the observations made by the chairman of the subcommittee. I happen to be a member of the subcommittee, and certainly the distinguished chairman and the members were very conscientious and hard-working as they tackled the provisions of the pending bill. Because of the fact that I have to be on the floor, I did not attend all the sessions of the subcommittee, and for that reason I wish to make it perfectly clear that I associate myself with the observations made by the Senator from New Hampshire. I believe that if we are to call a halt in the costs of the Government the time to start is when we make the appropriations. I, for one, feel that the Government has enough personnel. It is always possible to justify appropriations by saying that an agency can be more efficient, that this or that could be performed more efficiently, that there are certain things to be done, and that because the Hoover Commission says this or that, personnel must be added. We can take any department of the Government, and, under such a justification, add personnel.

Mr. President, there is much in what the Senator from Wyoming says relative to the personnel, but the personnel of this Bureau, if we take the figures which have been furnished us, numbers over 500. It seems to me that with that personnel, if the Hoover Commission work is as important as they think it is, they had better use some of the personnel now doing something else in order to do the work of the Hoover Commission, and keep the personnel lower, instead of increasing it.

Mr. President, I am ready not only to associate myself with the distinguished Senator from New Hampshire in his observations, but I am ready to vote to sustain the House amount, if an amendment is offered. I am not going to ask for it, because apparently the Senate is determined, as to many of these matters, to go along and do as the Senate always has done, raise every appropriation. We are asked to raise this appropriation nearly half a billion dollars over the House amount. True, some of it had to be done because of authorizations—and I say that with all respect to the chairman—which call for appropriations. But it is the old story, that after a bill comes

here, the Senate raises the appropriation of the other House. I wish to associate myself with the distinguished Senator from New Hampshire. I for one would not want to see the personnel increased, but kept at least where it is, or, if any change is made, decreased.

Mr. O'MAHONEY. Mr. President, I wish to say that the basis upon which my good friends make their argument does not exist. There is no increase of personnel, but there is increase of salaries, and I respectfully suggest that it was the Congress itself which ordained the raises in salary.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Just a moment. I wish to read from the justification which was presented to the committee. Among the reasons advanced were:

1. The Bureau of the Budget is responsible for achieving economy and efficiency throughout the Government; while the House reduction would save some funds in the Bureau's own expenditures, it would result in a much larger cost to the Government as a whole.

2. The House action ignores the recommendations of the Commission on Organization of the Executive Branch of the Government, which urged expansion, not contraction, of the work of the Bureau of the Budget.

I call to the attention of the Senator from New Hampshire and the Senator from Nebraska the fact that the Hoover Commission itself recommended the expansion of this Bureau.

Mr. President, I hope the Senate will grant the increase.

Mr. BRIDGES. Mr. President, so that there may be no misunderstanding, my personal check on this matter shows that there would be an increase of personnel by 53, from 481 to 534. That is a definite increase in personnel.

I am ready for a vote, and on this question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. O'MAHONEY. Mr. President, I wish to call attention to the fact that while it is true that this amendment would account for more personnel than the House provision, still the recommendation of the committee is for a lower personnel than was available under the appropriation bill passed by the last Congress.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Fulbright	Kerr
Anderson	George	Kilgore
Baldwin	Gillette	Knowland
Brewster	Graham	Langer
Bricker	Green	Lodge
Bridges	Gurney	Long
Butler	Hayden	Lucas
Byrd	Hendrickson	McCarran
Cain	Hickenlooper	McCarthy
Capehart	Hill	McClellan
Chapman	Hoey	McGrath
Connally	Holland	McKellar
Cordon	Hunt	McMahon
Donnell	Ives	Magnuson
Douglas	Jenner	Malone
Downey	Johnson, Colo.	Martin
Ecton	Johnson, Tex.	Maybank
Ellender	Johnston, S. C.	Miller
Ferguson	Kefauver	Millikin
Flanders	Kem	Morse
Mundt	Schoeppel	Thye
Murray	Smith, Maine	Tobey
Myers	Sparkman	Vandenberg
Neely	Stennis	Wherry
O'Conor	Taft	Wiley
O'Mahoney	Taylor	Williams
Russell	Thomas, Okla.	Withers
Saltonstall	Thomas, Utah	Young

The PRESIDING OFFICER (Mr. HOEY in the chair). A quorum is present.

The question is on the committee amendment on page 5, line 8, to strike out $2,983,050 and insert $3,314,500.

Mr. O'MAHONEY. Mr. President, I have been asked by Senators who have come to the floor in response to the quorum call to explain the amendment. It is a recommendation of the Appropriations Committee that the budget estimate for the Bureau of the Budget be allowed. That is an increase of $331,450. The increase has been criticized on the ground that it would increase the personnel. The fact is that it would leave the personnel of the Bureau of the Budget for the fiscal year 1950 exactly where it was placed for the fiscal year 1949. It does not increase the personnel over the number now employed by the Bureau. Of course, it does increase the personnel above that which was provided by the House figure.

The reason why the committee urges this increase is twofold. First, the Bureau of the Budget is clothed with the responsibility of checking upon the expenditures for all the Government agencies and bureaus. It has a tremendous job to do. If we are for economy this is the place where economy may be effectively administered.

In the second place we urge it because it harmonizes with the recommendation of the Hoover Commission. One of the recommendations of that Commission upon the reorganization of the executive branch of the Government was that the Bureau of the Budget should be expanded in order precisely to enable it to function more effectively in supervising the expenditures of all the Government bureaus and agencies. The committee has recommended the figure in the firm belief that it will permit economy, in the firm belief that failure to grant the increase will only have the effect of crippling the agency where efficient and effective administration of the expenditures of Government may be carried on. On behalf of the committee I wish to say that I hope the Senate may approve the committee amendment.

Mr. BRIDGES. Mr. President, in order that everyone may know it, I wish to say that in connection with this bill the question of additional personnel must be considered. I believe the average department or agency or bureau of Government has sufficient personnel today. The bill before us provides in all for a net increase of 14,740 employees over the House figure. I do not believe such an increase is necessary. In this amendment we are starting in on the Bureau of the Budget, for the increased amount would provide an increase of 53 employees over the House figure. I propose that the Senate reject the committee amendment and stand on the House figure, which will maintain the personnel in this bureau at 481, a sufficient number to do the job.

Mr. O'MAHONEY. Mr. President, I must respond to the comment of the Senator by pointing out that the bill as reported by the Senate committee overall does not provide for personnel for the year 1950 as many as the same bureaus had for 1949. The fact of the matter is that this provision decreases the personnel below the figures allowed in the last appropriation bill for these offices.

Mr. MAYBANK. Mr. President, is the increase caused by Public Law 900?

Mr. O'MAHONEY. No. That has to do with salary increases.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 5, line 8.

Mr. DONNELL. Mr. President, may I inquire whether my ears fail me? As I understand, there is a direct contradiction in statements of fact. Am I mistaken?

Mr. O'MAHONEY. There is no contradiction in statements of fact. What the Senator from New Hampshire [Mr. BRIDGES] means, I am sure—and it is true—is that in the case of the Bureau of the Budget we are providing more personnel than was provided in the House bill. The House cut the budget estimate. We are restoring the cut made by the House, but in so doing we are not increasing the personnel above that for 1949. We are providing exactly the same number of employees for the fiscal year 1950 as the Bureau of the Budget now has.

Mr. DONNELL. I thank the Senator. I could not understand how there could be any conflict on the question of fact between the two Senators.

Mr. WHERRY. Mr. President, will the Chair state what the issue is, and what a "yea" or "nay" vote means on this amendment?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 5, line 8. The amendment represents an increase, as provided by the Senate committee. A vote of "yea" would be a vote in favor of the increase, and a vote "nay" would be a vote against the increase.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

The Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Arizona [Mr. MCFARLAND] are absent on public business.

The Senator from Delaware [Mr. FREAR], the Senator from Florida [Mr. PEPPER], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Maryland [Mr. TYDINGS] are detained on official business.

On this vote the Senator from Minnesota [Mr. HUMPHREY], who would vote "yea," if present, is paired with the Senator from New Jersey [Mr. SMITH], who would vote "nay," if present.

I announce further that on this vote the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from

Utah [Mr. WATKINS]. If present and voting, the Senator from Maryland would vote "yea" and the Senator from Utah would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Kansas [Mr. REED] is absent by leave of the Senate.

The Senator from New Jersey [Mr. SMITH] is absent because of illness, and is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Minnesota "yea."

The Senator from New York [Mr. DULLES] is detained on official business.

The Senator from Utah [Mr. WATKINS] is detained on official business, and is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Utah would vote "nay" and the Senator from Maryland "yea."

The result was announced—yeas 51, nays 33, as follows:

YEAS—51

Anderson	Hunt	Miller
Chapman	Ives	Morse
Connally	Johnson, Colo.	Murray
Cordon	Johnson, Tex.	Myers
Douglas	Johnston, S. C.	Neely
Downey	Kefauver	O'Conor
Ellender	Kerr	O'Mahoney
Fulbright	Kilgore	Russell
George	Long	Saltonstall
Gillette	Lucas	Smith, Maine
Graham	McCarran	Sparkman
Green	McClellan	Stennis
Gurney	McGrath	Taylor
Hayden	McKellar	Thomas, Okla.
Hill	McMahon	Thomas, Utah
Hoey	Magnuson	Thye
Holland	Maybank	Withers

NAYS—33

Aiken	Ferguson	Martin
Baldwin	Flanders	Millikin
Brewster	Hendrickson	Mundt
Bricker	Hickenlooper	Schoeppel
Bridges	Jenner	Taft
Butler	Kem	Tobey
Byrd	Knowland	Vandenberg
Cain	Langer	Wherry
Capehart	Lodge	Wiley
Donnell	McCarthy	Williams
Ecton	Malone	Young

NOT VOTING—12

Chavez	Humphrey	Robertson
Dulles	McFarland	Smith, N. J.
Eastland	Pepper	Tydings
Frear	Reed	Watkins

So the amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, under the subhead "Council of Economic Advisers," on page 5, line 24, after "(28 U. S. C. 2672)", to strike out "$300,000" and insert "$340,000."

ADDITIONAL CIRCUIT AND DISTRICT JUDGES—CONFERENCE REPORT

Mr. McCARRAN. Mr. President, inasmuch as the Senator from Michigan [Mr. FERGUSON] is now on the floor, I wish to state that there is at the desk a conference report on the bill known as the judges' bill. I ask unanimous consent that the report may be taken up at this time.

The PRESIDING OFFICER. The report will be read.

The report was read.

(For conference report, see House proceedings of July 26, 1949, pp. 10217–10219.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McCARRAN. Mr. President, I understand that the Senator from Michigan wishes to be heard on this matter.

Meantime, I move that the report be adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

Mr. FERGUSON. I did not sign the conference report, and I think an explanation of my position is due. The reason why I did not sign the report is that in recent years there has been a development which gives great concern to all who cherish the ideals and traditions of justice. It is a debasement of the courts in the mind of the public.

Fundamentally there appears to be involved the fact that in the administration of justice we are having appointed to the bench, men who lack the broad vision which we have traditionally associated with the courts, or men whose vision is restricted by the nature of their experience before ascending the bench.

Senate bill 1871, which was passed by the Senate last night, indicates how the Senate feels about Government employees who leave the Government service to go into private business. I call attention to that measure because it is along the same line that I wish to speak today. Last night we said, in effect, that an employee of the Reconstruction Finance Corporation cannot be employed, until a period of 2 years had passed, by anyone who borrowed money from the Reconstruction Finance Corporation while that person was serving in that agency of the Government.

In the report we are now considering there was inserted—and it was the desire of the Senate at one time that such a provision be placed in this bill relating to the appointment of judges—a provision that anyone who feels that the judge is not qualified to serve in a certain case because he had formerly worked for a certain Government department, may file an affidavit to that effect, and then a new judge or a new trial before another court can be had.

Here is what I think has developed in the administration of justice: We are discovering that the Government departments have literally thousands of lawyers. When the President appoints Federal judges, through the Office of the Attorney General, we find that the Department of Justice, the FBI, and various other Government agencies are supplying the judges for the United States. In other words, the matter is becoming a political one, rather than of trying to get men of judicial caliber.

The able chairman of the Judiciary Committee, the Senator from Nevada [Mr. McCARRAN] realized this situation, and he suggested a provision that those who are to be qualified to accept these appointments should actually be practicing law, and should have done so for a number of years in the courts, rather than in the Government departments.

Mr. President, that bill was passed by the Senate. However, the House Committee would not agree to it. I thought the Senator in charge of the bill, the able chairman of the Judiciary Committee [Mr. McCARRAN] hit upon a proper solution of the problem. Here is what he tried to do:

Section 144 was amended by Public Law 72 of the Eighty-first Congress by substituting the words "in any case" for "as to any judge" at the end of the next to last sentence.

The present section 144 reads as follows:

> Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.
>
> The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than 10 days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

What the able Senator from Nevada, the chairman of the Judiciary Committee, had in mind was to include a provision that in case for 10 years prior to the commencement of such proceedings a judge had been employed in an agency of the executive branch of the Government of the United States which is a party to such proceedings, an affidavit could be filed setting forth those facts, and then the judge would not be permitted to proceed further therein, but another judge would be assigned to hear the proceeding. In other words, it would give an opportunity to the lawyer, and, I may say, to the litigant, to have his case tried by a judge who had not served in the Government department. We find literally hundreds of instances, more so in Washington than elsewhere, of cases being tried by a judge who had no experience in the practice of law, or as a judge, but who had merely worked in the legal department of a certain bureau. He was the judge that would be chosen to hear the proceeding with which the bureau itself was concerned. The able Senator from Nevada included a provision that, if a man had been employed in that department within 10 years, an affidavit could be filed, and a new judge obtained. Why not? If we are to have justice administered by those who are not prejudiced and who are not biased, we should be willing to put into the law a provision that a judge must not only be free of prejudice and bias, but, like Caesar's wife, he must be above suspicion. I think justice will then be more respected. We will have more concern over it. People will be better satisfied, if we place in the law a provision of that kind. My two colleagues on the conference committee were anxious to have the bill enacted, knowing judges are needed, but I say we must be careful what kind of judges

are appointed and that they are not selected alone from the various departments of the Government. We want men of experience in the broad field of law, men who understand the philosophy of the law and who understand the American people and American institutions.

Since that amendment was not retained in the conference report I felt in conscience that I could not sign the report, because I believed the able Senator from Nevada had hit upon something which would be beneficial to America in the administration of justice, and I felt that I should state to the Senate my reason for not signing the report.

Mr. McCARRAN. Mr. President, I shall not detain the Senate. I concur in the remarks of the able Senator from Michigan. I think something should be done, but, after giving the matter mature consideration, I saw that by my proposed amendment I was going to defeat the major objective of the bill, namely, the designation and appointment of some 27 additional circuit and district judges throughout the United States. I thought we could meet the provision I had in mind by general legislation rather than by an amendment to the bill.

The Senator is right when he says I was anxious. I was anxious and at the same time apprehensive. I am apprehensive of what is going on. I dislike the idea of appointing judges from departments of the Government to sit in the courts of the District of Columbia, where 9 out of 10 litigants must come if they have grievances to be aired as against the departments, and where they must come to secure their rights. In many cases they must appear before a judge who may have been appointed from the very department against which the suit is pending.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. McCARRAN. I yield.

Mr. FERGUSON. I wonder whether the Senator would feel that he could join witn the Senator from Michigan, or, rather, that the Senator from Michigan could join with the Senator from Nevada, in general legislation somewhat to the same effect, and whether, if such legislation were enacted, he could see any reason why this bill should not go through in its present form?

Mr. McCARRAN. I may say to the Senator from Michigan, I will gladly join in general legislation to fix the qualifications of judges, or to fix the grounds upon which their disqualifications may be brought to the attention of the judge himself.

Mr. FERGUSON. I appreciate that. I am glad to have that assurance.

Mr. McCARRAN. I did not want to defeat the principal objective of the bill by adhering to my amendment. I did not lose interest in my amendment, and I do not give up the principle, in any sense of the word.

Mr. FERGUSON. I appreciate that word from the Senator.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Nevada [Mr. McCARRAN] to agree to the conference report.

The motion was agreed to.

APPROPRIATIONS FOR INDEPENDENT OFFICES, 1950

The Senate resumed the consideration of the bill (H. R. 4177) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1950, and for other purposes.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment was, under the subhead "Council of Economic Advisers," on page 5, line 24, after "(28 U. S. C. 2672)", to strike out "$300,000" and insert "$340,000."

Mr. BRIDGES. Mr. President, this amendment has to do with the Council of Economic Advisers. I think the item approved by the House was $300,000, which, as I recall, was the amount provided last year for this agency. The amendment adds $40,000 and increases the personnel by four. This I admit is a small amount, but, in view of certain decisions and recommendations the Council of Economic Advisers have made, I do not know that they need additional assistants. I think they are fully staffed and equipped at the present time. Therefore I favor the retention of the House figure.

Mr. O'MAHONEY. Mr. President, one of the reasons for this increase is that the last Congress, with the approval of my very able and amiable friend from New Hampshire, increased the salaries of all Government employees. The Pay Act of the Eightieth Congress added $550,000,000 to the expenditures of the Government for the fiscal year 1950. This is as good a place as any in which to call attention to that fact, and also to the fact that other bills which were enacted last year have added to the obligations of the Government more than $2,000,000,000. On this particular item, because of the pay increase and automatic increases and essential classifications, the Council of Economic Advisers had to seek a deficiency appropriation, which was granted. In other words, of the $40,000 which is now proposed, $13,400 is to fulfill the obligations of the Pay Increase Act and to provide for automatic increases in essential classifications; $26,600 is needed to add to the number of economists and secretaries. The increased recommendations were made to the committee by Dr. Nourse, chairman of the council. I trust the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BRIDGES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand sufficiently seconded?

The yeas and nays were not ordered.

Mr. WHERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hayden	Millikin
Anderson	Hendrickson	Morse
Baldwin	Hickenlooper	Mundt
Brewster	Hill	Murray
Bricker	Hoey	Myers
Bridges	Holland	O'Conor
Butler	Hunt	O'Mahoney
Byrd	Ives	Robertson
Cain	Jenner	Russell
Capehart	Johnson, Colo.	Saltonstall
Chapman	Johnson, Tex.	Schoeppel
Connally	Johnston, S. C.	Smith, Maine
Cordon	Kefauver	Sparkman
Donnell	Kerr	Stennis
Douglas	Knowland	Taft
Downey	Langer	Taylor
Dulles	Lodge	Thomas, Okla.
Ecton	Long	Thye
Ellender	Lucas	Tobey
Ferguson	McCarthy	Vandenberg
Flanders	McClellan	Watkins
Frear	McKellar	Wherry
George	McMahon	Wiley
Gillette	Magnuson	Williams
Graham	Malone	Withers
Green	Martin	Young
Gurney	Maybank	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment appearing at the bottom of page 5, which increases the appropriation for the Council of Economic Advisers from $300,000 to $340,000.

Mr. BRIDGES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The request is obviously sufficiently seconded. The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

The Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Arizona [Mr. McFARLAND] are absent on public business.

The Senator from Arkansas [Mr. FULBRIGHT], the Senators from West Virginia [Mr. KILGORE and Mr. NEELY], the Senator from Nevada [Mr. McCARRAN], the Senator from Rhode Island [Mr. McGRATH], the Senator from Virginia [Mr. ROBERTSON], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on official business.

The Senator from Idaho [Mr. MILLER] is necessarily absent.

I announce that on this vote the Senator from Minnesota [Mr. HUMPHREY] is paired with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from Minnesota would vote "yea" and the Senator from New Jersey would vote "nay."

I announced further that if present and voting, the Senator from Rhode Island [Mr. McGRATH] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Kansas [Mr. REED] is absent by leave of the Senate.

The Senator from New Jersey [Mr. SMITH] is absent because of illness and is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Minnesota "yea."

The Senator from Missouri [Mr. KEM] is detained on official business.

The result was announced—yeas 40, nays 39, as follows:

YEAS—40

Anderson	Holland	Morse
Chapman	Hunt	Murray
Connally	Johnson, Colo.	Myers
Cordon	Johnson, Tex.	O'Conor
Downey	Johnston, S. C.	O'Mahoney
Ellender	Kefauver	Robertson
Frear	Kerr	Russell
George	Long	Saltonstall
Gillette	Lucas	Sparkman
Graham	McClellan	Stennis
Green	McKellar	Taylor
Hayden	McMahon	Withers
Hill	Magnuson	
Hoey	Maybank	

NAYS—39

Aiken	Ferguson	Millikin
Baldwin	Flanders	Mundt
Brewster	Gurney	Schoeppel
Bricker	Hendrickson	Smith, Maine
Bridges	Hickenlooper	Taft
Butler	Ives	Thye
Byrd	Jenner	Tobey
Cain	Knowland	Vandenberg
Capehart	Langer	Watkins
Donnell	Lodge	Wherry
Douglas	McCarthy	Wiley
Dulles	Malone	Williams
Ecton	Martin	Young

NOT VOTING—17

Chavez	McCarran	Reed
Eastland	McFarland	Smith, N. J.
Fulbright	McGrath	Thomas, Okla.
Humphrey	Miller	Thomas, Utah
Kem	Neely	Tydings
Kilgore	Pepper	

So the amendment was agreed to.

Mr. ROBERTSON. Mr. President, the amendment on which the Senate just voted relates to a proposal to cut $40,000 from an appropriation bill which carries more than $7,000,000,000. I am not opposed to the saving of as little as $1, if it can properly be made. But the committee has, after mature consideration of the subject, decided that the additional $40,000 over the House figure was proper.

Mr. President, it requires about 20 minutes for a quorum call and about 20 minutes for a roll call. There are 70 or perhaps more than 70 amendments in the bill. If, on relatively minor issues of this kind, we are to have a yea and nay vote, and devote 40 minutes to each item, it will require 60 hours to complete action on the amendments to the bill. On the basis of a 5-hour day and a 5-day week that will mean a little more than 2 weeks; while the authority of these agencies to function under the temporary joint resolution passed by Congress in June expires next Sunday night.

Now we have messed up the detail, if Senators will excuse the expression, respecting ECA. I hope very much that Senators who wish to make a personal record for economy will make that record without forcing a yea-and-nay vote, requiring in all about 40 minutes on every minor amendment to the bill to which they object.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The next amendment was, under the title "Independent Offices—American Battle Monuments Commission," on page 7, line 15, atfer the word "of", to strike out "one" and insert "three", and at the beginning of line 16, to strike out "vehicle" and insert "vehicles, including one at not to exceed $2,500".

The amendment was agreed to.

The next amendment was, under the heading "Atomic Energy Commission", on page 9, line 6, after the word "the", to strike out "unobligated balances" and insert "unexpended balances, as of June 30, 1949."

The amendment was agreed to.

The next amendment was, under the heading "Civil Service Commission," on page 10, line 8, after the word "Columbia", to strike out the comma and "including salaries of the Commissioners at $12,000 each per annum so long as the positions are held by the present incumbents"; in line 22, after the word "exceed", to strike out "$40,000" and insert "$60,000"; in line 24, after "(54 Stat. 767)", to insert "not to exceed $500,000 for allocation to the Federal Bureau of Investigation as required for investigation of applicants for certain positions when requested by the head of the department or agency concerned in cases where the department or agency concerned does not maintain its own investigative staff."

The amendment was agreed to.

The next amendment was on page 11, line 9, after the word "amended", to strike out "$14,000,000" and insert "$16,250,000."

Mr. BRIDGES. Mr. President, the amendment relative to the Civil Service Commission increases the personnel over the House figure by 485 individuals. I think Senators will all agree that the Civil Service Commission has a responsible job. Nevertheless after the House committee held hearings on the subject it arrived at a figure of 3,414 employees. The House committee decided that was a sufficient number of employees to do the job adequately and well. I believe the Senate would be justified in retaining the House figure.

I wish to speak for a moment about what the distinguished Senator from Virginia [Mr. ROBERTSON] said, because I know he wants the full story told. There is no intention, so far as I am concerned, to try to force the Senate into 60 hours of consideration of the various items contained in the bill. In this bill, however, the Senate committee has increased the House figure by more than $500,000,000, and added some 15,000 personnel over the House figure. If we believe at all in economy, and if we believe the departments have sufficient personnel to carry on their work properly, it is well to have discussed the issues involved in some of the items of the bill. I believe the particular amendment now pending which would increase by 485 the number of employees provided by the House figure for the Civil Service Commission, is not justified. Therefore I hope the Senate amendment on page 11, line 9, will not be agreed to.

Mr. O'MAHONEY. Mr. President, I beg to advise the Senator from New Hampshire that again there is a slight mistake in the interpretation which he has placed upon the action of the committee. It is true again that the appropriation recommended by the committee increases the personnel beyond that which would be available under the bill as it passed the House. But the bill recommended by the Senate committee provides for personnel 278 less in number than the Civil Service Commission has this year. So, far from increasing the personnel, the committee has decreased the personnel of the Civil Service Commission below that which it has already under the appropriation bill which was passed last year.

The reason why the committee recommended the increase on which the Senate is requested to vote, as found in the committee amendment on page 11, line 9, is that the House committee report made it clear that in connection with the reduction it made, it was expecting the Civil Service Commission to save money by absorbing this personnel, by permitting the various executive agencies and departments of government to conduct their own decentralized examinations. If that were not done the cost would be much greater than the increase which is allowed in the Senate committee bill.

The committee held hearings upon this matter. It was clearly demonstrated that to cut this appropriation to the amount provided by the House bill—and the Senate committee has not restored the entire amount—would only mean to transfer the holding of certain examinations to certain supposed expert boards in executive departments and agencies, and such boards would have to do the work which the Senate committee felt could be more efficiently and properly done by the Civil Service Commission.

Mr. President, in the light of the clear fact that the personnel is not so large as it was last year, I hope that the increase recommended by the committee may be approved.

Mr. FERGUSON. Mr. President, I think the amendment now under consideration presents a clear example of whether the Federal Government desires actually to cut expenditures. We come now to the question of the number of employees. The able Senator from Virginia [Mr. BYRD] has from time to time pointed out that every day there are added to the public pay roll, in Washington and in other parts of the country, 315 Government employees.

The minute Congress says, "We want to take away from you a certain amount of cash," we find the Civil Service Commission saying that all it would mean would be that an equal number or greater number would have to be hired in some other department. No one has ever though about the possibility of cutting down the amount of work which is being done in the various departments, which represents waste and extravagance. No one has ever thought that an employee might even do more work, resulting in a need for fewer employees. That is never thought of. It is always said, "The work will go into another department, and more men will have to be employed there.

This amendment represents an increase of $2,250,000. To some that is peanuts. Some Senators feel that we should not even discuss an increase of $2,250,000 on the floor of the Senate.

Mr. President, the other day we discussed an increase of $140,000. We discussed it on the floor of the Senate for a long time when the proposal was made to place on the pay roll of the watchdog committee about ten more employees. It was perfectly all right to discuss that question for hours. But when it comes to taking an employee off the national pay roll, where patronage in the executive branch of the Government is involved, it is said, "You are taking too much time on the floor of the Senate."

What would happen if we were to increase this appropriation by $2,250,000? We would increase the number of personnel over the House figures by 485.

Is this a small department? Consider how it has grown, from 3,414 employees to 3,899. Certainly it has an estimate from the budget for 4,069 employees. In 1949 it had 4,178. So if we make this cut we shall need 485 fewer employees on the pay roll of the Civil Service Commission.

Mr. President, I hope that Congress will become economy-minded, even if it is only to the extent of $2,250,000, because we must attempt to balance the budget, and this is one place where we can start.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 11, line 9.

Mr. BRIDGES. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. O'MAHONEY. Mr. President, I desire again to emphasize what I said a moment ago, that there is no economy in the proposed reduction. That was clear from the presentation which was made to the committee. It would result in duplicating a great deal of the work. Let me read this statement, which was submitted to the committee:

> Generally speaking, boards of civil service examiners in Federal field establishments recruit applicants and conduct examinations for positions which exist primarily in their respective establishments. Conversely, the Commission recruitment and examining resources are expended on examinations for filling positions which are common to many agencies, and servicing agencies too small to support a board of examiners. If examinations were completely decentralized, numerous identical examinations would be announced by hundreds of boards of examiners, with resulting waste of time, effort, and money in holding such examinations, and confusion to the public.

Mr. President, I could spend an hour going into detail. The figures were before us. Not to allow this money would only create confusion and waste. Decentralization would cause duplication. The committee amendment is an amendment in the interest of economy, and it should be adopted.

Mr. FERGUSON. Mr. President, I wish to say in reply to the able Senator from Wyoming, in charge of the bill, that this is a typical example of a department which says, if we take any money from it, or adhere to the House figure, "It will cut out one of the most vital and important functions we have."

They never think of trying to get more work out of their employees, or cutting out extravagance. They tell us that a reduction in the appropriation would cut out certain very vital and important work and put it into another department, where it would cost more money. I should like to know how the other department is going to get the money if we do not appropriate it. Let the departments absorb reductions by eliminating extravagance and inefficiency instead of interfering with the most vital parts of their programs, as they say in their testimony.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 11, line 9. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MYERS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Iowa [Mr. GILLETTE], the Senators from West Virginia [Mr. KILGORE and Mr. NEELY], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on official business.

The Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

The Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Arizona [Mr. MCFARLAND] are absent on public business.

The Senator from Idaho [Mr. MILLER] is necessarily absent.

The Senator from Minnesota [Mr. HUMPHREY] is paired on this vote with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from Minnesota would vote "yea," and the Senator from New Jersey would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Kansas [Mr. REED] is absent by leave of the Senate.

The Senator from New Jersey [Mr. SMITH], who is absent because of illness, is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Minnesota would vote "yea."

The Senator from Missouri [Mr. KEM], the Senator from Washington [Mr. CAIN], the Senator from Indiana [Mr. CAPEHART], and the Senator from Pennsylvania [Mr. MARTIN] are detained on official business.

The result was announced—yeas 38, nays 41, as follows:

YEAS—38

Anderson	Hunt	Murray
Chapman	Johnson, Tex.	Myers
Connally	Johnston, S. C.	O'Conor
Cordon	Kefauver	O'Mahoney
Downey	Kerr	Pepper
Ellender	Lucas	Robertson
Fulbright	McCarran	Saltonstall
George	McClellan	Smith, Maine
Graham	McGrath	Sparkman
Green	McKellar	Taylor
Gurney	McMahon	Thomas, Utah
Hayden	Magnuson	Withers
Hill	Maybank	

NAYS—41

Aiken	Dulles	Holland
Baldwin	Ecton	Ives
Brewster	Ferguson	Jenner
Bricker	Flanders	Johnson, Colo.
Bridges	Frear	Knowland
Butler	Hendrickson	Langer
Donnell	Hickenlooper	Lodge
Douglas	Hoey	Long
McCarthy	Schoeppel	Watkins
Malone	Stennis	Wherry
Millikin	Taft	Wiley
Morse	Thye	Williams
Mundt	Tobey	Young
Russell	Vandenberg	

NOT VOTING—17

Byrd	Humphrey	Neely
Cain	Kem	Reed
Capehart	Kilgore	Smith, N. J.
Chavez	McFarland	Thomas, Okla.
Eastland	Martin	Tydings
Gillette	Miller	

So the amendment was rejected.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, under the subhead "Panama Canal Construction Annuity Fund," on page 13, line 8, after "(48 U. S. C. 1373a)", to strike out "$5,304,870" and insert "$5,894,300."

The amendment was agreed to.

The next amendment was, under the subhead "Civil-Service Retirement and Disability Fund," on page 13, line 13, after "(5 U. S. C. ch. 14)", to strike out "$295,533,700" and insert "$328,393,000."

The amendment was agreed to.

The next amendment was, under the subhead "Canal Zone Retirement and Disability Fund," on page 13, line 19, after "(48 U. S. C. 1371n)", to strike out "$899,100" and insert "$999,000."

The amendment was agreed to.

The next amendment was, under the subhead "Alaska Railroad Retirement and Disability Fund," on page 13, at line 25, before the word "which", to strike out "$193,500" and insert "$215,000."

The amendment was agreed to.

Mr. DOUGLAS. Mr. President, on what page is the clerk now reading the committee amendments?

The PRESIDING OFFICER. The clerk is about to read the first committee amendment on page 14. The last amendment read was on page 13.

Mr. DOUGLAS. I should like to ask for an explanation of the increase provided in line 13, on page 13.

Mr. O'MAHONEY. Mr. President, this increase is required in order to carry out the statutory requirement of having the Civil Service Commission maintain the retirement fund out of which the retirements of civil servants are paid. As everyone knows, under the retirement law, deductions are made from the salaries of employees, and the deductions are matched by the Government.

This appropriation is a matching appropriation, to balance the retirement fund in compliance with that law. It is an obligation of the Government which we felt could not be avoided.

Mr. DOUGLAS. I should like to inquire of the distinguished Senator from Wyoming why it was that the House committee did not catch this item.

Mr. O'MAHONEY. The House committee simply made a straight slice.

The PRESIDING OFFICER. The amendment to which the Senator has referred has already been adopted and stands adopted unless the Senate wishes to return to its consideration.

Otherwise, the clerk will state the next amendment of the committee.

The next amendment was, under the heading "Displaced Persons Commission," on page 14, line 11, after the word "amended," to insert "purchase (not to exceed 30), and."

The amendment was agreed to.

The next amendment was, under the heading "Federal Communications Commission," on page 15, line 23, after the word "Columbia", to strike out "including salaries of the Commissioners at $12,000 each per annum so long as the positions are held by the present incumbents."

The amendment was agreed to.

The next amendment was, on page 16, line 8, after the word "binding", to strike out "$6,525,000" and insert "$6,633,000."

Mr. BRIDGES. Mr. President, this amendment has to do with the Federal Communications Commission which, of course, performs an important function.

The House provided for personnel of 1,332 for the Commission. This amendment would increase the number of personnel to 1,349.

I do not believe any Member of the Senate wishes to handicap the Federal Communications Commission in any way or prevent it from doing a good job. I think the personnel of 1,332 allowed by the House of Representatives is adequate for that Commission, and it seems to me that the increase provided by the Senate committee is unwarranted.

Therefore, I hope the Senate committee amendment will be rejected.

Mr. O'MAHONEY. Mr. President, again it is true that the Senate committee allowed an increase in the personnel—in this case, an increase of 17 above the number allowed by the House of Representatives. But even with that increase, this measure allows for the Federal Communications Commission a personnel of 49 less than the Commission has at this moment. So again we are presenting a provision for a decrease in personnel, not an increase.

As the Senator from New Hampshire has stated, the Communications Commission performs a very important service. Every day requests are made to the Communications Commission for additional services. By the use of the radio in Red Cross work, in police work, in maritime work, in every avenue of radio communication and the transmission of information, the work of the Communications Commission is increasing. The committee, Mr. President, felt that to deny the increase which we recommended would seriously impede the work of the Commission. I trust that the increase may be allowed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BRIDGES. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. MYERS. I announce that the Senator from Iowa [Mr. GILLETTE], the Senators from West Virginia [Mr. KILGORE and Mr. NEELY], the Senator from Oklahoma [Mr. THOMAS], the Senators from Maryland [Mr. O'CONOR and Mr. TYDINGS], the Senator from Mississippi [Mr. STENNIS], and the Senator from Kentucky [Mr. WITHERS] are detained on official business.

The Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

The Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Arizona [Mr. MCFARLAND] are absent on public business.

The Senator from Idaho [Mr. MILLER] is necessarily absent.

The Senator from Minnesota [Mr. HUMPHREY] is paired on this vote with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from Minnesota would vote "yea," and the Senator from New Jersey would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Kansas [Mr. REED] is absent by leave of the Senate.

The Senator from New Jersey [Mr. SMITH] who is absent because of illness is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Minnesota would vote "yea."

The Senator from Washington [Mr. CAIN] and the Senator from Missouri [Mr. KEM] are detained on official business.

The result was announced—yeas 40, nays 39, as follows:

YEAS—40

Anderson	Holland	Morse
Chapman	Hunt	Murray
Connally	Johnson, Tex.	Myers
Cordon	Johnston, S. C.	O'Mahoney
Downey	Kefauver	Pepper
Ellender	Kerr	Robertson
Frear	Long	Russell
Fulbright	Lucas	Saltonstall
George	McCarran	Sparkman
Graham	McGrath	Taylor
Green	McKellar	Thomas, Utah
Gurney	McMahon	Young
Hayden	Magnuson	
Hill	Maybank	

NAYS—39

Aiken	Flanders	Martin
Baldwin	Hendrickson	Millikin
Brewster	Hickenlooper	Mundt
Bricker	Hoey	Schoeppel
Bridges	Ives	Smith, Maine
Butler	Jenner	Taft
Byrd	Johnson, Colo.	Thye
Capehart	Knowland	Tobey
Donnell	Langer	Vandenberg
Douglas	Lodge	Watkins
Dulles	McCarthy	Wherry
Ecton	McClellan	Wiley
Ferguson	Malone	Williams

NOT VOTING—17

Cain	Kilgore	Smith, N. J.
Chavez	McFarland	Stennis
Eastland	Miller	Thomas, Okla.
Gillette	Neely	Tydings
Humphrey	O'Conor	Withers
Kem	Reed	

So the amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment was, under the heading "Federal Power Commission", on page 16, line 19, after the word "Columbia", to strike out the comma and "including salaries of the Commissioners at $12,000 each per annum so long as the positions are held by the present incumbents"; in line 21, after the word "exceed", to strike out "$220,000" and insert "$230,000"; on page 17, line 2, after the word "newspapers", to strike out "$3,650,000" and insert "$3,763,000"; in line 3, after the word "amount", to strike out "not to exceed $2,122,000 shall be available for personal services in the District of Columbia exclusive of", and in line 5, after the figures "$10,000", to insert "shall be available."

The amendment was agreed to.

The next amendment was, on page 17, line 14, after the word "binding", to strike out "$325,000" and insert "$337,000", and in the same line, after the amendment just above stated, to strike out the comma and "of which amount not to exceed $130,000 shall be available for personal services in the District of Columbia."

The amendment was agreed to.

The next amendment was, under the heading "Federal Trade Commission", on page 17, line 19, after the word "Columbia", to strike out the comma and "including salaries of the Commissioners at $12,000 each per annum so long as the positions are held by the present incumbents."

The amendment was agreed to.

The next amendment was, on page 18, line 2, after the figures "$700", to strike out "$3,450,000" and insert "$3,639,000."

Mr. BRIDGES. Mr. President——

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. LUCAS. Will there be some debate on this amendment?

Mr. BRIDGES. Yes, there will be.

RECESS

Mr. LUCAS. Mr. President, it is now 10 minutes to 6, and in view of the fact that there will be some debate on this amendment, and probably another roll call, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate took a recess until tomorrow, Thursday, July 28, 1949, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 27, 1949

The House met at 12 o'clock noon.

The Acting Chaplain, James P. Wesberry, LL. D., offered the following prayer:

Almighty and everlasting God, supreme lover of the universe and mighty ruler of the destiny of nations, Thou hast most graciously preserved and prospered us. Thou hast raised up these the leaders of our Nation's safety. We humbly beseech Thee to hear us as we express our gratitude for them and for Thy never-failing goodness and abundant blessings upon our Nation.

Make us, we pray Thee, Heavenly Father, in each passing moment of this congressional day, deeply conscious of the guidance of Thy holy hand. Give us an abiding cognizance of our accountability to Thee that Thy will may be done through us. And this we humbly ask in the name of Him who is the desire of all nations. Amen.

The Journal of the proceedings of yesterday was read and approved.